


THE HOUSE WAS MY
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THE HOUSE WAS MY HOME



An Informal Guide
for Members of the Legislative Assembly of Ontario

by

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Clerk Emeritus of the Ontario Legislature



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DEDICATION AND EXPLANATION

This book is not a text but rather an informal guide to procedure in the House, illustrated by recollections of my many years at the Table, and incorporating information contained in my father's book *Parliamentary Procedure in Ontario* published in 1939, still relevant to today's conditions. For this and other reasons, this volume is dedicated to his memory.

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FOREWORD

ABOUT MY FAMILY AND MYSELF

Feeling that anyone who might decide to read this book might be interested in the background of the writer, I included this short preface with that thought in mind.

We are an old Cabbagetown family, both my parents and my maternal grandparents having been born in that section of Toronto. I was raised in Cabbagetown, although I was born on Toronto Island and spent the summers of my early boyhood there.

The late Leslie Frost, Prime Minister of Ontario from May of 1949 to November, 1961, was keenly disappointed that my father did not write his memoirs while still well enough to do so. This is a disappointment that I will share and feel for the rest of my life. As Mr. Frost pointed out so often, my father played such a role in the development of this Province and this City that I will always regret that I know so little. I can only say that having left school to help support his mother and sisters on the death of his father, from his early teens he worked at various jobs, including selling maps throughout the Province from door to door. He was a shipper for an import-export company at the age of 17. He sought his card as a printer and then never used it, but rather going into the editorial side of newspaper work where he became the City Editor of the old Evening Telegram.

At some stage of his career, I am not sure just when, he worked for the City in the Assessment Department and then much later was Secretary-Manager for the Toronto Harbour Commission and then, on loan from the Commission, Secretary-Treasurer of the St. Lawrence Development Commission where he was responsible for laying the groundwork for the St. Lawrence Seaway which finally came into being many years later after he was completely retired. While with the Harbour Commission he took leave of absence to serve in the trenches in World War 1, even though he had a wife and four children at that time, I being the youngest of the four. He was very badly wounded and gassed with "mustard gas" as a result of which he spent some time in hospital before returning to civilian work.

It was shortly after his return that he assumed his duties with the St. Lawrence Development Commission. He was a member of the Legislature from November of 1920 until December of 1926 when he did not run at the general election. He started his political career with the Toronto School Board and I take some pride in mentioning the fact that he never lost an election in his life. He was appointed Clerk of the Legislative Assembly in December of 1926, retiring on the 31st day of December, 1954. From some time in the late 1930's or early 1940's he also served as Chief Election Officer for Ontario which office he vacated at the same time as the Clerkship.

Turning to my own history, there is a general conception that as I succeeded my father both as Clerk of the House and Chief Election Officer on the first day of January, 1955, from the time I graduated in law I was trained by him for this purpose. Nothing could be further from the facts; I had rather a diverse career of my own before reaching my appointment to the Table. Dropping out of school after achieving my Junior Matriculation I became a commercial artist for approximately three years. Unfortunately, I ran into the worst of the depression when things were very tough in the commercial art business and I eventually decided to take my father's advice and get my law degree. After graduation I started my career with the Province in September of 1939, the Monday after World War II broke out, as an assistant solicitor in the Succession Duty Branch of Treasury. In 1942 I was appointed Assistant Crown Attorney for Toronto and York and prosecuted in the criminal courts for something over a year. Then I went on Active Service with the Royal Canadian Navy, as a result of which I spent much of 1946 in military hospital with rheumatoid arthritis. On release from hospital, the Right Honourable Roland Michener, then Provincial Secretary for Ontario, suggested to me that I come in and understudy my father. I joined him twenty years to the month after his appointment, that is in December, 1946. Counting the time that I was on active service and in hospital, I was therefore in the service of the Province since September, 1939 and at the Table from December of 1946 to October, 1986.

CHAPTER I

DEVELOPMENT OF PARLIAMENT IN BRITAIN AND ONTARIO

Early Beginnings

At the very root of the Parliamentary system is the question of financial control. This cannot be better illustrated than by a digest of the material contained in part of Chapter I of *Parliamentary Procedure in Ontario*.

The right of the people to control the national purse is founded in the very early history of the British people. It has been suggested that it originated in the periodic assemblies of the Witenagemot. That was not however, a National Assembly in any sense of the word, as there was no representation of the common people. It was the gathering of the principal men, i.e., the Great Men of the Kingdom, called together by the Monarch to act as his personal advisers in consideration of the imposition of a new tax or other matters of national importance. While it is true that no Saxon King undertook to levy a tax or to initiate any national policy until after consultation with these Great Men this did not constitute a consideration of the wishes of the people but rather was a consultation with the aristocratic class and it would probably be more nearly correct to regard the Saxon Witenagemot as the precursor of the House of Lords rather than the House of Commons.

There has however, always been present in the national consciousness of the British people, the feeling that "he who pays the piper should call the tune". Even the Norman autocratic monarchs after the Conquest found it wise not to disregard this. In fact, the Norman Kings, partly in deference to this feeling and partly to check the rapacity of the barons that they had themselves created, began to call together assemblies which more nearly approximated a national character. Finally in 1295 King Edward I called together the first body which could really justify the name of National Assembly, the Great Parliament, and it was the model on which all subsequent development of Parliament was based. To abbreviate the information on page 5 of *Parliamentary Procedure* it can be said that when the Archbishops and other high church officers threw in their lot with the rep-

representatives of the barons while the knights of the shires sided with the citizens and burgesses, the ordinary clergy having ignored the King's summons, the foundation of the two Houses, the Lords and the Commons was established.

The procedure in this first Parliament and for a very long period thereafter was one of bargaining between the Monarch and the Commons. The Monarch needed money and came to the Commons for a grant or the imposition of a new tax. The Commons had grievances of their constituents or the confirmation of certain claims for popular rights and the period of bargaining resulted in the Monarch getting a grant or authorization for legislation to impose the tax and the Commons an undertaking to place legislation on the statute books to enact the reforms agreed to.

During all this period the Commons did not in fact enact any laws or draft any Bills. This was done by the Monarch's advisors after the Session was over and the resulting legislation was often quite different than that which had been agreed upon. Gradually the Commons obtained the right to submit the Bills drafted by their own officers. This in addition to the recognition of the right of the Commons to control the purse strings resulted in the growth of Parliament as we know it today which places in the hands of the Commons of England the sole right to impose taxation, to appropriate revenues, and to absolutely control all national expenditure. The bargaining system of the Middle Ages is reflected in the Ontario House today as well as other British Parliaments under which the representative of the Monarch first gives assent to the Bills passed by the House and the Speaker representing the House then presents him or her with the Bill of Supply.

Cabinet government began when the Monarch appointed certain men as his personal Ministers to carry out the duties of government. For many years these men were in fact representatives of the Crown only as opposed to members of Parliament as representatives of the people. This in time led to the introduction into Parliament by means of "pocket boroughs" and "bought seats" of Members favourable to the Monarch. However, when these abuses were overcome it led to the modern system of representative government whereby the Cabinet is

chosen from those elected by the people was developed which resulted in the present system of government in which the Monarch "by and with the advice and consent of the Lords and Commons", and in Ontario "by and with the advice and consent of the Legislative Assembly of the Province of Ontario" enacts the statutes.

History of the Commons Chamber in Britain

After the Reformation and during the reign of Edward VI, when the King was ten years old, Protector Somerset gave the beautiful Royal Chapel of St. Stephen's, beside Westminster Hall, to the House of Commons to be its permanent Chamber. Previously the Commons had met in various locations such as the Chapter House in Westminster Abbey and one corner of Westminster Hall. The Members of the Commons simply moved into St. Stephen's Chapel and sat on the choir benches, the Speaker's chair being placed at the top of the steps leading to the apse.

In 1834, the Houses of Parliament, with the exception of Westminster Hall, were totally destroyed by fire. In the rebuilding, the Commons Chamber was rebuilt to the precise dimensions of St. Stephen's Chapel and the seating provided for the Members was on benches as before. The distance between the front benches was precisely the same as the distance between the choir benches in the chapel; so much for the myth of two swords lengths plus. In the rebuilding, St. Stephen's Chapel was rebuilt to form the very beautiful main entry hall to the Houses of Parliament.

In World War II the Commons Chamber was completely bombed out as were other areas of the building. There was quite a difference of opinion among the Members as to whether the Chamber should be rebuilt as before or built large enough to seat all the Members. Winston Churchill was the Prime Minister at the time and favoured the Chamber as before, being a traditionalist, but also influenced by his feeling that it added to the drama of great events to have Members crowded in and standing around the dais rather than having a huge barn of a place that might be two-thirds empty a good part of the time. He did however, have the matter referred to the Committee which was considering the rebuilding of all the destroyed areas. When it

came to the vote in Committee on the rebuilding of the Chamber the men on the Committee were evenly divided and so the one woman Member had the deciding vote and she voted for the smaller Chamber. It has been said that her decision was governed not by the fact that she had any strong feeling in the matter but because some of the Members voting for the larger Chamber had voted against her the day before on the vote with respect to the number and location of the women's lavatories. On such incidents do great decisions sometimes depend.

The Ontario House

At the time of Confederation, Ontario was the only one of the original four provinces which adopted a unicameral Parliament; the other provinces, New Brunswick, Nova Scotia and Quebec all established Legislative Assemblies and Legislative Councils in imitation of the mother country. The efficiency as well as the economy of the single system for the conduct of provincial affairs was speedily demonstrated with the result that New Brunswick soon abolished its Legislative Council and was followed in 1928 by Nova Scotia. Quebec continued the Upper Chamber until 1968 when it too was discontinued. The new western provinces as they were formed followed the Ontario system as did Newfoundland, with the result that today the only Upper House remaining is the Senate of Canada.

History of the Ontario House

Governor Simcoe convened the first Parliament of Upper Canada on September 17, 1792 in Navy Hall, Newark, now Niagara-on-the-Lake.

The first building erected as a Parliament Building for Upper Canada was located in the town of York, now Toronto, at the foot of what is now Parliament Street, facing west and overlooking the bay. Built in 1796, it was a rather humble structure given the grand title of Palace of Parliament and was burned down by the Americans in 1813.

Little need be said of the temporary quarters occupied by the Legislature between 1813 and 1832. Those interested in that period will find it fully discussed in Eric Arthur's *From Front*

Street to Queen's Park. Suffice it to say that the Parliament Buildings on Front Street were completed in 1832 and occupied intermittently until 1892 when the Government of the Province of Ontario as now named, moved to the present building in Queen's Park. It is of historical interest that many of the Members' desks still in use in the Chamber are those which were used in the Parliament Buildings on Front Street, as is the Clerk's Table and chair.

An amusing incident at the time of the move from Front Street to Queen's Park concerns one Charles Fitch, whom the writer was privileged to know when Mr. Fitch was in his early 90s and still in the service of the province in an advisory capacity to the Auditor of Criminal Justice Accounts. He was a rather small immaculate man, always beautifully groomed who in his 90s looked to be perhaps 70. He spent his whole working career in the Ministry of the Attorney General where he started as an office boy at 15 years of age. He became rather a protégé of Premier Mowat, who of course was also Attorney General, so that when the move was made he rode up in a cab with the Premier to the new building. They stopped out on the front drive and Mr. Fitch looked up at the building and said to the Premier, "It's a fine building sir, a fine building" to which Premier Mowat replied "Charlie, it frightens me to death, we'll never fill it in 100 years".

The first Session in the new Chamber was held in 1893.

CHAPTER II

THE ONTARIO HOUSE TODAY

Standing Orders

For the many years that the writer was Clerk of the House and on the several occasions on which he was required to redraft the Standing Orders, or specific Standing Orders, his aim was always to keep the procedure in the House as simple and uncomplicated as possible. Of recent years with various committees sticking in bits and pieces to meet some condition which may or may not arise again, they are in danger of suffering from the malaise that afflicts the procedure or rules in the House of Commons of the United Kingdom and the House of Commons of Canada; that is they are cluttered up with a lot of unnecessary furniture.

In 1976, during the period of minority government, an all-party sub-committee of the Select Committee appointed to consider the Fourth and Fifth Reports of the Ontario Commission on the Legislature submitted a set of provisional Standing Orders with the idea that they would be tried for one Session. Where there was any conflict between these provisional orders and the existing Standing Orders the provisional orders were to apply. At the end of the one Session these provisional orders were extended and later referred to the Procedural Affairs Committee with the existing Standing Orders. The writer undertook to meld the two into a draft for the committee's consideration and with some changes and last minute amendments these new Standing Orders were adopted in 1978.

Similarly, in 1986, again in a time of minority government, the House passed a set of provisional Standing Orders to amend, add to, and in some cases, supplant the existing orders. It provided that these temporary orders would lapse in December, 1986, unless otherwise decided. Significantly, however, the Clerk's Office was instructed to produce a new publication of the Standing Orders merging the provisionals with the existing orders so that it appears very likely that they will become permanent, especially as they seem for the most part, to be working very well.

Membership of the House

At the time of Confederation, the *British North America Act* provided that the Legislative Assembly of Ontario should consist of 82 Members. Over the following years the membership increased to the point where it consisted of 112 Members until a redistribution in 1933 during the premiership of the Honourable George S. Henry when, primarily for reasons of economy in those depression years, the membership was reduced to 90.

This number remained constant until 1954 when during Mr. Frost's premiership there was what might be called a partial redistribution which resulted in raising the membership to 98. It should be noted that all redistributions prior to 1962 were by committees of the House. In that year a Commission was appointed by the House to carry out a complete redistribution. The Commission made an interim report in the session of 1962–63 which was accepted by the House and became Chapter 125 of the Statutes of that year. This raised the membership from 98 to 108 and the final report of the Commission in the following year again raised the membership to 117. In 1975 as a result of the report of another Commission appointed on motion by Premier Davis a new *Representation Act* was passed which again raised the membership to 125.

In June of 1983 another Commission was appointed with authority to raise the membership once more not to exceed 130. This Commission was unable to complete its work within its Terms of Reference before the general election of 1985, so the Parliament following the 1985 election was 125 Members as was the previous one. The report of the Commission was accepted and the *Representation Act, 1986* passed so that, following the 1987 general election, the House now consists of 130 Members.

Designation of Electoral Districts

Many people including the Members of the Assembly are in the habit of referring to the electoral districts as "ridings". How this designation became attached to electoral districts it is difficult to say as there is no historic foundation. The proper designation is of course by statute "electoral district." A convenient and quite acceptable alternative is "constituency". It would be nice if the

term "riding" could be eliminated but probably it is too late to hope for that.

Introduction of New Member

One can do no better than to quote directly from *Parliamentary Procedure in Ontario*, page 31, with the addendum that the necessary changes be recognized if the new Member is a woman: "At the first Session of the Legislature following a general election the Members, after being sworn in by the Clerk, take the seats allotted to them without further ceremony but when a Member has been elected at a by-election he must be introduced at the current or next ensuing Session. After having taken the oaths and subscribed the roll the new Member enters the Chamber between two other Members who act as his sponsors and advances to the end of the Table, the three bowing to Mr. Speaker as they reach the Table. One of the sponsors then says: "Mr. Speaker, I have the honour to present to you Mr. . . . , Member elect for the electoral district of . . . , who has taken the oaths and signed the roll and now claims the right to take his seat". The Speaker replies: "Let the Honourable Member take his seat". The new Member advances to the Chair, shakes hands with the Speaker and takes his seat."

The custom in the Ontario House for many years has been for the Party Leader and the Chief Whip to act as the sponsors in introducing a new Member and the Party Leader makes the verbal introduction.

It should also be noted that there is now only one oath, that is, the Oath of Allegiance.

To illustrate how strictly the practice of having Members elected at by-elections formally introduced to the House is adhered to it is only necessary to note two events following the general election of June 7th, 1948. Charles W. Cragg was elected for the Electoral District of Parry Sound but died on August 19th of that year. John H. Carrere, having been elected for the Electoral District of Cochrane North, died as a result of a motor accident on October 6th, 1948. As the new Assembly did not meet until February 10th, 1949 a by-election was held on December 9th, 1948 in Parry Sound. As a result, when the House met in 1949,

Mr. Allister Johnston, Mr. Cragg's successor was introduced while the Members elected at the general election took their seats without fanfare even though many of them were also entering the House for the first time.

The physical arrangement of the Members' desks is of some interest. Up until the election of the Hepburn government the Premier always sat in seat number one, the first seat to the Speaker's right, with the Leader of the Opposition in the first seat of the Opposition side directly opposite. Mr. Hepburn not only had the arrangement of the tiers changed so that the House was converted to a horseshoe shape but he moved his own seat several seats down the way to his right following the Ottawa practice, with the Leader of the Opposition again seated directly opposite him. It was during the construction of this horseshoe arrangement that the present undergalleries under the Speaker's gallery, now commonly called the Members' galleries were erected, this area having previously been floor level as under the Press Gallery. When the Drew government came in the seating arrangement was restored to the straight rows and when Mr. Frost took office he moved even further to his right, that is, north in the Chamber closer to the middle of the House as he felt this gave him a greater control.

It was the construction of the undergalleries which necessitated the raising of the Speaker's Gallery by some three feet, and it perhaps adds to the interest of this alteration to know that many years earlier the Press Gallery at the other end of the Chamber, that is the south end, had been lowered by approximately the same amount. In the early days after the construction of the present Chamber the members of the Press Gallery found that they had difficulty in hearing some of the Members and also in seeing those Members sitting towards the south end of the Chamber. Of course this was many years before the installation of such things as public address systems and recording equipment so that the reporters had to depend entirely on their own hearing and eyesight. As a consequence of these changes the two galleries, originally on the same level now differ by at least six feet.

Of course when the Premier sat in seat number one with the Leader of the Opposition opposite these seats were further from

the Speaker than they are now as there were fewer Members at that time and there were passageways between the posts of the press gallery and the tiers for the Members' desks. These tiers for the Members have been greatly enlarged in recent years. First they were extended to the north when the membership of the House was increased making the passages between the Members' tiers and the undergalleries quite narrow. During the minority government, between 1975 and 1981 the accommodation for the Opposition was extended to the south right to and including the posts of the Press Gallery so that all Opposition Members could sit on the Opposition side of the House. Of course none of them wished to sit on the government side as they wished to be in a position to "have at" the government across the floor. The next step was when the government party had 70 Members elected in the 1981 election and Premier Davis wished them all to be seated on the government side of the House; the accommodation for the government Members was similarly extended down to the Press Gallery posts. Even so it was rather a tight squeeze to get the 70 desks all on that side and the problem was aggravated when one of the Opposition Members crossed the floor to join the government party so that a place for a seventy-first desk had to be found.

The membership of the House rose to one hundred and thirty after the general election of September 10, 1987, as a result of the final report of the Ontario Electoral Boundaries Commission. This fact, together with the necessary alterations to provide for permanent television coverage and instantaneous English-French translation, lead to the extensive re-construction of the Chamber and the reduction of the centre aisle between the Government and Opposition sides from twenty-one feet to just under fourteen feet.

Of course there have been a number of occasions when the government was supported by a very large majority when a section on the Opposition side had to be allotted to Members of the government party, such a section being commonly called a rump. While Members of the government party of course do not like sitting on the opposite side it does not present the same difficulties for them as it would for Opposition Members being seated on the government side. The most unusual arrangement arose

during the Parliament of 1951 to 1955. At that time the total membership was 90 of which the government party held 79 after the general election, and 80, following by-elections in 1953 and 1954. As has been stated Mr. Frost had moved his seat to the approximate location of the Premier's seat in the present House with the Leader of the Opposition opposite so that the 10 Members of the Opposition were grouped in a small section surrounding the Opposition Leader and there were two blocks of government Members, one to the left and one to the right of the Opposition.

Following the 1985 election and the defeat of the minority Miller government, the minority Liberal government under the Premiership of the Honourable David Peterson took office. This is covered more fully in a later chapter. This section deals only with the physical arrangement of the Members' seats and for the same reason as previously mentioned it was considered essential to have both Opposition parties seated on the Opposition side of the House. For this purpose it was necessary to extend the seating north right to the wall of the undergallery.

Designation of the Members

Perhaps this chapter dealing with the physical aspects of the House and the provisions for the accommodation of the Members as a whole might be an appropriate place to refer to the old argument of "M.P.P. versus M.L.A.".

Prior to Confederation the Members of the old Parliament of the Province of Canada were known as Members of the Provincial Parliament with the abbreviation of M.P.P. After Confederation these designations were continued in Ontario to distinguish between the Members of the Federal House and the Legislature of the Province of Ontario. Around the turn of the century, William F. Maclean, founder and editor of the *Toronto World*, who was also a Member of the House of Commons of Canada wrote an editorial in which he suggested very strongly that as the provincial bodies were known as Legislative Assemblies the proper designation should be Member of the Legislative Assembly with the abbreviation M.L.A. It is suggested that if this argument were to be followed to its logical conclusion the Members of the House of Commons should be so designated with

the abbreviation M.H.C. In a text written some years ago as a thesis for a Ph.D. by Fred F. Schindeler, titled *Legislative-Executive Relations in Ontario*, exception was taken to the suggestion with respect to the House of Commons on the ground that the term "Parliament" was used in the B.N.A. Act with reference to the Federal Parliament but not the Provincial Legislatures. This argument is specious; had the author referred to any standard dictionary such as the Shorter Oxford English he would have seen that any formal conference or council for the discussion of some matter or matters of general importance is a Parliament. It becomes a Legislature or Legislative Assembly when it has the power to enact laws; therefore the terms "Legislature" and "Legislative Assembly" apply to the House of Commons as much as to the Provincial Legislatures. To put it succinctly every Legislature is a Parliament but every Parliament is not a Legislature; it becomes so when it has power to enact laws. However, in the years following the editorial the designation M.L.A. gradually increased in usage particularly in the media until April 7th, 1938 when the Ontario House passed the unanimous order re-affirming the proper designation as Member of the Provincial Parliament with the abbreviation M.P.P. Several Members past and present including at least one former Cabinet Minister favour the designation M.L.A. but unless and until the House were to decide to rescind the order of April, 1938, the official designation will remain unchanged.

Services for Members

Until the mid-1950s, the Members had no office accommodation whatever and very little in the way of services. During the Session, there was a stenographers pool. When a Member had some parliamentary correspondence to dictate, he or she would attempt to obtain the services of a member of this pool, if still available, and dictate the letters either in the Legislative Chamber when the House was not sitting or in one of the lobbies. In the late 1950s some offices were made available. Offices for all the Members followed but on a shared basis, two or three Members to an office. Staff were also shared. Eventually, as the length of the Sessions and the work of the House continued to increase,

the present provision of an office and staff for each Member became the norm.

Some of today's Members are very interested in coat racks, examples of which may be seen in the Opposition Lobby. Room 250 in the Legislative Building was formerly the Members' Cloak Room, prior to the provision of office accommodation. One of these racks, with drawer underneath, was provided for each Member.

The Government Members' Room was Room 228 where each of the Private Members of the Government party had a filing cabinet or part of one. Half of this room was divided into three cubicles which Members could use for meeting with constituents, dictating, or other business, on a first come first served basis.

Use of the Term "House"

In 1947 a Select Committee of the House presented a report purporting to revise completely the rules or Standing Orders. The proposed revision was never adopted by the House. One of the suggested changes was the deletion of the word "House" and the substitution therefor of the word "Assembly" throughout the rules. It has been suggested that the reason for the proposed change was that the Committee felt the term House should be reserved for the House of Commons and Assembly used with respect to the Legislative Assembly of the Province. Whether or not this was the reason for the suggestion it is submitted that it was not a practical one and would have caused a great deal of confusion. The Legislative Assembly or the Assembly is the entire Membership, at that time 90 and now 130, whereas the term House by parliamentary custom and practice is used to indicate those Members of the Assembly present at any time. Consequently, had the change been adopted references to "Committee of the Whole Assembly" would mean that all Members must be present before the Committee could function and similarly such expressions as "by the assent of the Assembly" would again mean that the Speaker must have the assent of all Members not just those present at the time.

Legislative Publications

The rather lengthy paper now known only as "Orders and Notices" was formerly the Order and Notice Paper. It was from this document that the daily business was actually called, the Routine Proceedings by the Speaker and the Orders of the Day called at the Table as indicated by the Government House Leader. Since the introduction of the daily business paper to which the Routine Proceedings have been transferred and on which the actual Orders of the Day as agreed among the House Leaders are indicated, the *Orders and Notices* consists simply of a record of all the business that has been ordered by the House and not yet disposed of and all the Notices including the written questions. Even before the change this document had been greatly expanded by the inclusion of information other than Orders and Notices but which is of considerable value to the Members. This information is published at the back of the paper and includes such things as Private Members' Business to be debated in accordance with the ballot which is explained later in this volume, Bills which have been referred to Committees, Bills awaiting Royal Assent, other matters referred to Committees, Committee meetings and the order and time allowance for consideration of the Estimates in the Committee of Supply and the various Standing or Select Committees to which they have been referred.

The daily business paper, on the other hand, indicates the actual business to be done on a particular day starting with the Routine Proceedings and then setting out the actual Orders of the Day as agreed by the House Leaders and the order in which they are to be called. This order is frequently subject to change on very short notice.

The paper known as the *Votes and Proceedings*, is perhaps the most important of the Legislative documents. It is the record of the business done each day and corresponds to the minutes of other meetings although it is kept in a very special traditional form and printed overnight for distribution to the Members and others the next day. After the Session the material in the *Votes and Proceedings*, edited and bound, becomes the *Journals* of the

House with copies distributed to all Members, legislative and government offices and certain libraries.

The Legislature of Ontario Debates, commonly known as Hansard, consists of the verbatim report of the debates in the House. It is important to distinguish between this publication and those mentioned in the preceeding paragraph; Hansard is the report of what was said, the *Votes and Proceedings* and the *Journals* constitute the record of business done in the House.

The term Hansard justly preserves in Parliamentary history the name of Thomas Hansard, the man who first reported the debates in the House of Commons of the United Kingdom in 1811. The son of Luke Hansard, the official printer to the House of Commons, Thomas later became the official reporter, printer and publisher of the Reports of Debates. Since his day, his name has served as the unofficial designation for such reports and it is gratifying to observe that it has now gained official recognition in several jurisdictions, including Ontario.

The *Journals* of the House were published from the first Session of the first Legislature following Confederation in 1867. While it is true that these included some excerpts from speeches there was nothing remotely resembling Hansard. In 1944, the Honourable George Drew, then the Premier, instituted the practice of having a shorthand reporter in the Press Gallery take reasonably full notes of the proceedings which were reproduced for distribution to the Cabinet and the other party Leaders. At the request of Miss Agnes MacPhail, then the Member for York East, Mr. Drew agreed to extend this service to all Members of the House. While in a sense this could be considered to be the primitive beginning of Ontario Hansard it was far from being a verbatim report of the proceedings; it was done by one person only and he could not of course pretend to make a complete report of the entire proceedings of each day but only produced extensive notes.

For the session of 1947, which coincidentally was the writer's first Session at the Table, it was decided to institute a complete printed Hansard patterned after those in the United Kingdom and the House of Commons of Canada. At the outset, the number of copies printed was strictly limited as was the distribution. However like so many things it expanded rapidly with the result

that by the time the Honourable Leslie M. Frost became Premier as well as Treasurer he expressed alarm at the cost, remarking that for the price of printing Hansard he could pave nine miles of Ontario highway. He reverted to mimeographed Hansard through the years 1950 to 1953 inclusive. As the stenographic reporters who produced this mimeographed Hansard were paid by the page it might be said that they made little effort to crowd as many words on one page as possible and each Member would have a stack of mimeographed Hansards approximately three feet high by the end of the Session.

Some of the newer Members were quite persistent in their requests that a regular printed Hansard be resumed, although some of the older Members even on the Opposition side, such as Mr. Harry Nixon and Mr. Farquhar Oliver, agreed with a rather casual suggestion by Mr. Frost that perhaps it should be dropped altogether. In any event, it was agreed to refer the matter to a committee of the Legislature on the recommendation of which the printed Hansard was resumed for the Session of 1954.

From 1954 to 1970 the provision for Hansard was made *ad hoc*, a motion being passed at each Session authorizing the Speaker to hire the necessary shorthand writers and other staff on a temporary basis to produce the reports for the Session. From the outset of the crude beginnings in 1944 until his death in 1957 the production of the reports was under the direction of R. C. Sturgeon, a veteran court reporter, who was assisted by other experienced court shorthand reporters engaged on a temporary basis. The author was privileged to be a friend of Mr. Sturgeon's from days as a young Crown Attorney many years ago.

Mr. Sturgeon was succeeded in 1957 by Ernest Burrows of Ryerson Press and on his very untimely death by the present editor Peter Brannan. Mr. Brannan at that time was with the Maclean Hunter Company and acted as Hansard Editor on a part-time basis. In those days the Sessions were comparatively short and there was no Hansard reporting of committees. However, by 1970 the tremendous growth of the legislative year and the extension of verbatim reporting to committees outside the Chamber rendered the part-time process no longer viable and

the Hansard office became a full-time branch of the Office of the Speaker.

Before leaving the period of *ad hoc* part-time Hansard, two things should be noted. The standing committee recommending the resumption of the printed Hansard also recommended rules for the number to be printed and distribution thereof. Once again it is fair to say that these rules did not stand up very long and both the number of copies and the distribution have continued to expand over the years. The other matter worthy of note is that after the introduction of the public address system and some testing it was found that a more accurate report could be made from the taped recording, so that the use of experienced reporters to record the full proceedings in shorthand was discontinued. The recording process has been upgraded and revised a number of times so that now it is quite sophisticated and the shorthand writers sitting on the floor are only there to try to catch the interjections that Members make from time to time during a debate. These are fitted in to the text by the editors.

The workload of the Hansard office has increased to the point where it has been necessary to establish two separate sections; the House section and the committee section. During recesses both sections concentrate on the work of the Select and Standing Committees.

Recent innovations include the use of a terminal and computer to produce the index now updated on monthly print-outs and the introduction of word processing for use by the transcribers and editors. This modern equipment has greatly facilitated the work of the transcribers.

The Standing Orders now require that the proceedings of all standing committees must be recorded electronically by Hansard with the exception of any meetings where strangers are excluded. However, only the proceedings of committees considering estimates are printed and bound. The proceedings of other committees are printed and bound only on order of the Legislature although computer print-outs of the proceedings of other committees are produced at the request of the committee on a motion being passed for this purpose. It has been recommended several times in recent years that the proceedings of all com-

mittees should be printed and bound but so far the very substantial cost has precluded the adoption of this suggestion.

Strangers

In parliamentary parlance the term "strangers" applies to all persons within the precincts of the House who are not Members or officers of the House. In the early days of the Mother of Parliaments, strangers were not permitted to enter the precincts of Parliament at all and instances are recorded where strangers wandered either involuntarily or intentionally into the precincts and were quite roughly handled.

As time went on, Parliament became more tolerant of strangers and allowed them into the galleries as long as there was room simply by ignoring their presence and pretending they weren't there. In this connection the so called public galleries both in the United Kingdom and Ontario are more properly called Strangers' Galleries although in Ontario for many years the west gallery was known as the Ladies Gallery. After this practice of permitting their attendance by ignoring them began, for many years it was only necessary for one Member to say "Mr. Speaker, I spy a stranger" for all strangers to be removed from the House. After an incident on the 27th of April, 1875 when no less a person than the Prince of Wales was compelled to withdraw from the Commons gallery because one Member drew attention to the presence of strangers a Resolution was adopted requiring a majority vote of the House before strangers could be excluded. The practice then became that when a Member said "I spy a stranger" the Speaker or the Chairman as the case might be put the question "That strangers do withdraw". This question is neither debatable nor amendable. Until a few years ago, that was the correct procedure in the Ontario House but on one of the occasions when the Standing Orders were revised this was changed to require an actual motion that strangers withdraw, which motion again is neither debatable nor amendable. The same practice pertains in any Committee, either in the Whole House, Standing or Select.

There was an interesting incident in the House of Commons of the United Kingdom on November 18th, 1958 during Committee of the Whole House consideration of the Representation

of the People (Amendment) Bill. The Chairman declined to accept a motion by a Labour member, Colonel Wigg, later Lord Wigg, "That the Chairman do report Progress and ask leave to sit again". The Colonel then drew the Chairman's attention to the fact that there were strangers present and the Chairman put the question "That strangers do withdraw?". After some confusion and 'Points of Order', the question was declared carried and all strangers were directed to withdraw. The question was then raised "Who are Strangers?". The clerk of committees of the Whole House advised the Chairman that everyone except the Members themselves and the officers of the House, that is the Clerks and the Sergeant at Arms, were strangers so that not only spectators, but the Press, Hansard and the servants of the House had to leave. When the Members realized that their eloquence was not being recorded either by the media or Hansard, they lost interest and the day's proceedings concluded for lack of speakers, far sooner than expected. When Colonel Wigg was later asked what was his reason he replied, "Oh, it was just a trench raid."

The use of the term "stranger" is another example of the ancient privileges of Parliament, indicating as it does the distinction between a Member and a non-Member and the fact that an outsider is permitted within the precincts of Parliament on tolerance only and not as of right.

Until the Premiership of the Honourable Leslie Frost, no strangers were ever allowed on the floor of the House, even when in Committee, and the term 'strangers' included the staffs of the Ministries and other Public Servants. At that time, all the Estimates were passed in Committee of Supply in the Chamber and Ministers were constantly dependent on notes sent from under the Press Gallery to answer questions of a detailed nature. On Mr Frost's suggestion, the practice was adopted to allow staff members on the floor, while the House was in Committee of Supply, for the purpose of assisting and advising the Minister. Eventually, this practice was extended to the House when sitting in Committee to consider legislation. This practice has now been incorporated into the Standing Orders.

The Press Gallery

Among the first strangers to be admitted to the Chamber of the House of Commons were the members of the Press. To circumvent the traditional rule of Parliament that persons in the galleries may not take notes, the Press Gallery was located behind the Speaker's back so that he could not see them. This remains the practice in the Ontario House.

When the first Session was being held in the present building a young reporter on the old Toronto World who had been covering City Hall was told to go up to the Parliament Buildings and cover the Session. He said, "Fine, where's the Parliament Buildings?" Little did he know then how familiar he was to become with it as the reporter in question was Alex C. Lewis, Clerk of the House for 28 years.

CHAPTER III

WHAT EVERY MEMBER SHOULD KNOW

As stated in the dedication of this work, it does not purport to be a text and it contains therefore a minimum of citations. Rather, an effort has been made to set out in a rather informal way the manner in which the House conducts its business without necessarily citing the rules or precedents by chapter and verse so that Members may, it is hoped, obtain an overall view.

Conduct of Members

When Members are elected to the Assembly for the first time and enter upon their first Session, even if they have had previous experience in Municipal Council they often find themselves somewhat confused by the more formal rules and parliamentary precedents which govern their conduct in the Assembly. While it must be remembered that parliamentary procedure is a living thing which constantly changes to meet changing conditions there are some fundamental rules and customs which survive. Some of these may appear at first to be a bit archaic but there are very logical reasons for those rules and customs; the mere fact of their survival for several centuries being proof of their value. Those practices which have outlived their usefulness have been dropped over the years either at the time of amendment of the Standing Orders or perhaps even more often simply by falling into disuse. The following is an effort to set out some of the existing practices:

When Members enter the House after the day's sitting has started, if they enter by one of the side doors they may go directly to their places, acknowledge the Chair by bowing to the Speaker and take their seats. However, if they enter by the main entrance of the Chamber, they pause in the area of the two posts marking the position of the Bar of the House and acknowledge the Chair; they then proceed to their seats once more acknowledging the Chair by a slight bow to the Speaker and take their seats. Similarly, when leaving the Chamber while the House is sitting; if leaving by a side door they need only acknowledge the Chair on rising, but if leaving

by the main door they stop in the area of the Bar, face the Speaker and bow before leaving.

If a Member wishes to cross over to the other side of the House to confer with a Member on the opposite side this is done by walking to the foot of the Table, acknowledging the Chair from there and then proceeding. Of course, if one wishes to avoid this formality one may always cross by going behind the Speaker's dais. However, when moving about the House for the purpose of conferring with other Members whether crossing to the other side or remaining on one's own side, the practice is to acknowledge the Chair by a very slight bow when rising and again when reaching the Member with whom one wishes to confer. The origin of this practice of bowing to the Speaker is quite interesting. When the House of Commons of England was given its first permanent home in St. Stephen's Chapel it simply moved in and occupied the choir benches, the Speaker's chair being placed at the top of the steps leading to the apse. Behind this chair was an altar or at least the remains of one and it was the custom of the Members when rising to bow to the altar. In the course of time this deference was transferred to the Speaker, especially when the Commons moved into its new home in the present Houses of Parliament or Palace of Westminster. The history of the Commons Chamber is covered more fully in a later chapter.

When the House is sitting formally with the Speaker in the Chair and the Mace on the Table Members may not cross between the Speaker and the Mace but must use one of the methods above described.

Members should be conscious at all times that they are all Honourable Members and should conduct themselves accordingly in the spirit of mutual respect and courtesy.

As a specific illustration of the respect and courtesy above mentioned, Members must accept the word of other Members. It is a very serious breach of order to accuse another Member of not telling the truth or even implying that the other Member has uttered a deliberate falsehood.

It has been suggested from time to time that if a Member is firmly convinced that another Member is not telling the truth he or she should be able to say so and that it should be the Member accused of lying that is expelled from the House for misconduct, not the Member making the accusation. It is obvious that this view is impossible of implementation. The Speaker cannot be placed in the position of deciding whether a Member is or is not telling the truth nor can such an accusation be referred to a committee. The Member making the accusation is out of order and must withdraw the accusation even if convinced that it is correct. If the Member refuses to withdraw the accusation, the Speaker has no choice but to name the Member and take the action provided in the Standing Orders. Neither can such a question be referred to a committee as there is no provision for a committee to adjudicate on the truth or otherwise of a Member's statement; such statement must be accepted.

Members must stand when the Speaker enters the Chamber and the House is called to order but conversely Members remain seated when the Speaker is leaving the Chair at any time even including the adjournment of the day's sitting. They remain seated until the Speaker has left the Chamber.

When the Speaker is on his feet, either putting a question to the House or addressing the House for any purpose Members should remain silent and not interrupt nor should Members interrupt other Members when they are speaking except on a matter of order.

Privilege will be dealt with more fully in the subsequent chapter but it should be mentioned here that Members often stand on what they call a matter of privilege which in fact has nothing to do with privilege. For example, if a Member feels that he has been offended by another Member he calls it privilege. If the language complained of is of such a nature as to be considered unparliamentary he is quite right to rise on a point of order but it is not privilege. Similarly, Members often stand with the Hansard of a previous day in hand and say "On a matter of privilege, Mr. Speaker" and take issue with another Member, particularly with what a Minister said on a previous

date and suggest that it was incorrect. This is not only not privilege but, as heretofore explained, one cannot suggest that another Member has not told the truth. Sometimes instead of calling it privilege a Member will say he wishes to correct the record. It has been held many times in this House and in the House of Commons of Canada and the House of Commons in the United Kingdom and elsewhere that one can only correct one's own record, that is, you can correct a matter in which you have been misquoted or when you have inadvertently made a mis-statement but you cannot correct the record of another Member. If one believes that a Minister, for example, has made a mis-statement, there are so many ways that this can be properly dealt with. One can ask the Minister a question in the Question Period, "Is the Minister not aware that etc., etc." or when speaking in a subsequent debate one can refer to the Minister's remarks and say something to the effect "The Minister has obviously been misinformed" or "The Minister is factually incorrect" but there is no procedure for rising to take issue with the statement of another Member on a previous occasion as a matter of order, privilege or correcting the record. Of course if one follows in the same debate, it is very easy to deal with the point in one of the ways suggested. Another time when one can deal with such a matter is to question the Minister with respect thereto when dealing with his estimates in committee.

Members should be very careful to observe the rules and customs of proper conduct in the House and not bring anything into the House which would be considered improper. For example, a former Member, apparently intending to illustrate the absence of security in the Legislature brandished a firearm in his place one day. This constituted a serious contempt of the House and really should have been dealt with as such.

Private Members often refer to themselves as Members of the Government. This is incorrect — they are Members supporting the Government, or Members of the party forming the Government, or perhaps even the expression "Government Members", often used, may be acceptable, but only Ministers of the Crown are "Members of the Government".

Rules of Debate

This subject is very closely related to the preceding topic of the conduct of Members so it is fitting that it should follow immediately after. This relationship results from the fact that many of the rules of debate actually pertain to the conduct of Members in debate. Some of these rules are as follows:

All remarks not only during debate but at any time must be directed to the Chair, never directly to another Member. This is not only the rule in debate but at any time the House is sitting, either with the Speaker in the Chair or in Committee. It is during Oral Question Period that this rule is most often abused. Members will often say "Mr. Speaker, I have a question for the Minister of . . . , Madam Minister, etc. etc. etc.". This is quite incorrect and out of order. The question should be placed "Mr. Speaker, I have a question for the Minister of . . . , will the Minister do thus and so?" In other words, one refers to the Minister but does not address him or her directly.

Perhaps this is as good a place as any to deal with the form of address quoted in the preceding paragraph. One constantly hears the use of Mr. or Madam Minister and Mr. Premier. These do not accord with parliamentary practice but mark an importation from the United States where Mr. President is the usual form. Under the parliamentary custom when addressing Members of the Ministry directly (not in the House as above noted) the customary form in jurisdictions following the parliamentary system is simply "Prime Minister or Premier" as the case may be and "Minister". The use of "Mister or Madam" is redundant. It is interesting, however, that the proper address for the Speaker is "Mr. Speaker" or "Madam Speaker".

In debate a Member must never refer to another Member by name, but by Electoral District or Ministry, that is, the Honourable Member for whatever Electoral District, or the Honourable the Minister of . . . There are two basic reasons for this rule, the first being that you are not referring to the Members in their personal capacity but in their capacity as Members for their electoral districts or to the Ministers with respect to their ministerial responsibility. The second reason

is that this together with the preceding rule help to maintain the debate at a higher level and cut down on the tendencies toward personalities. Thus, it is entirely out of order and very disruptive if Members address each other across the floor of the House by name and it is regrettable that in the heat of debate Members often go so far as to address each other across the floor by their given names. Properly this rule respecting the use of names applies only in debate and it is quite correct to use a Member's surname otherwise. For example, when moving a motion, the form was "Moved by myself, seconded by" and then the seconder by name. It must be noted that the provisional Standing Orders have eliminated the necessity for a motion to be seconded, and this may well be the practice in future. Actually it is quite correct for the Speaker to recognize Members when they rise to speak by name but it has become the practice in this House for the Speaker or Chairman to recognize the Members by their electoral districts or their ministries. This seems to be so deeply ingrained that it is perhaps unwise to try to change it at this late date.

When the Speaker is in the Chair and the Mace is on the Table so that the House is sitting in its formal form a Member may only speak once on any debate with two exceptions: the first being that the mover of a substantive motion has a right of reply and under our present rules the mover of an order of the day for the second or third reading of a Bill, particularly a Minister or Parliamentary Assistant carrying a government Bill, may open the debate and close it, but otherwise a Member may only speak once on any subject. Where this rule is continually abused is when a Member rises on what he considers to be a point of order or matter of privilege and the Speaker has dealt with the question. The first Member will then pop up again and continue his argument and other Members will do the same and this may occur several times with one or more Members. Unfortunately in recent years, Members have been permitted to get away with this repetition but it is quite wrong. What the Members are doing, actually, is disputing the Speaker's ruling, which is definitely out of order. The Member having made his point and other Members having spoken to it if the Speaker is prepared to hear them, the

Speaker then deals with the question and that is the end of it, each Member speaking only once. This is the difference between the procedure with the Speaker in the Chair and the Mace on the Table and the procedure when the House resolves itself into a Committee of the Whole House to consider Bills or Committee of Supply to consider Estimates. Then the Speaker leaves the Chair, the Mace is removed from the Table and the Chairman of Committees of the Whole House who is also Deputy Speaker takes the Chair of the Clerk at the head of the Table and the Whole House then becomes a Committee. When in Committee, a Member may speak as often as he or she wishes and ask as many questions as are considered necessary; the second main difference in Committee procedure formerly was that no seconder was required for any motion in any Committee as was the case in the House at the time. It might be mentioned here that these committee rules apply also to Standing and Select Committees as far as they may be conveniently followed. To return to the rule that a Member may speak only once there is another recognized procedure which does vary this to a very minor extent and that is that a Member may be heard in explanation of a material part of his speech which may have been misunderstood. The Member may rise to clarify the misunderstanding but must not introduce new matter.

A Member may not direct his remarks to matters other than the question under discussion or a motion or amendment that the Member intends to move or to a point of order. Members must not persist in needless repetition in those matters which have been decided during the Session. Of course, the provisional Standing Orders provide for brief Members' Statements at the beginning of the day's sitting.

Members may not refer at length to debates of the current Session or read unnecessarily from verbatim reports of Legislative Debates or any other document. Matters already on the order paper may not be anticipated unless it is the intention of the Member to move that they be rescinded nor may a Member reflect on previous votes unless it is the intention to move that they be rescinded.

Members may not refer to matters which are pending before the Courts for judicial determination or that are before a quasi-judicial body constituted by the House or under the authority of an act of the Legislature where it is shown to the satisfaction of the Speaker that further reference would create a real and substantial danger of prejudice to the proceedings in the Court or other body.

Members may not make allegations against other Members and they may not impute false or unavowed motives to other Members. They may not charge other Members with uttering deliberate falsehoods. They may not use abusive or insulting language of a nature likely to create disorder. Members may not speak disrespectfully of Her Majesty or any of the Royal Family or the Governor General or the Lieutenant Governor or the Administrator of the province.

Members may not introduce any matter in debate which in the opinion of the Speaker offends the practices and precedents of the House.

There are several rules in the Standing Orders from 23 to 25 inclusive that deal with the conduct of Members one of which is that no Member may vote on any matter in which the Member has a direct pecuniary interest.

One of the oldest rules of debate which has come down to us from the Mother of Parliaments and which unfortunately is unwritten in our Standing Orders is the rule that Members should not read speeches. In the House of Commons of the United Kingdom this rule is followed quite meticulously and the cut and thrust of real debate is preserved whereby each Member in speaking attempts to answer points made by Members who have already participated in the debate. The excitement of vigorous debate is enhanced by frequent use in that House of the practice of putting questions to Members during the course of their speeches, a practice which is explained more fully under the next sub-heading. Unfortunately, in the Ontario House the rule against reading speeches has long been disregarded so that the majority of speeches are in fact read and the major debates, particularly the Throne Debate and the Budget Debate, consist

of a succession of unrelated speeches read by the Members and delivered to Hansard in typescript form.

Reading a speech sometimes opens the door for telling comment from an adversary. Some years ago, Robert E. Elliott, Member for Hamilton East from 1945 to 1948 and again from 1951 to 1959, was stumbling somewhat in reading a prepared speech when Joseph B. Salsburg, Member for St. Andrews, as it was at the time, called out to Mr. Elliott a very precise and rather drawn out word of advice "Read it slower . . . and more distinctly". Mr. Salsburg held his Electoral district from 1943 to 1955.

On the other hand, Edmund A. MacGillivray, Member for Glengarry from 1937 to 1948, when speaking in one of the major debates, either did not read carefully enough or was speaking from notes only when he berated the Minister responsible for the Liquor Control Board for the "de-watered alcohol" — not once but many times.

James S. Dempsey, Member for Renfrew South from 1945 until his death on October 24th, 1955, seldom spoke but when he did it was entirely "off the cuff" and in colourful lumberman's language. On one occasion, when heckled by some Members of the CCF, he turned and said "I'll get to you S. O.B.'s in a minute". The Speaker had given up trying to control Mr. Dempsey's rapid fire delivery and as the House merely showed amusement, he let it go.

Mr. Dempsey's death came as a great shock, not only to his family and friends but to the Legislature. He was in the midst of a controversy with respect to a contribution made to his campaign at the preceding general election and had advised the House that he would make a full and satisfactory explanation at the next regular Session. On the morning of Monday, October 24th, a maid discovered his body slumped in a chair in his room at the old Walker House hotel, where he lived when in Toronto, dead of a heart attack.

Questions During Debate

A parliamentary practice which seems to have fallen into disuse and which is probably unknown to the majority of the present Members is the procedure for putting a question to a Member

who is speaking in debate. Any Member may stand and say “Mr. Speaker, would the Honourable Member permit a question”. If the Member having the floor says “No” that is the end of it, the question is not permitted; but if the Member holding the floor says “Yes, Mr. Speaker” he or she is seated long enough to let the other Member put a question, answers it if he or she sees fit and then continues with the debate. It appears that this is what led to the rule being followed in the House of Commons of Canada at the present time and now included in the provisional Standing Orders of Ontario whereby a short period is provided at the end of each Member’s speech to permit questions and observations. In the Federal House as Members are aware, there are time limits on speeches, so formerly, when a Member rose and asked “Will the Member permit a question”, the Member holding the floor would say “If I have time at the end of my speech”, and would then make very sure that no time was left at the end of the speech. This led to the present Federal rule. Of course, if the provisional rule is confirmed, the old procedure of putting questions herein outlined will no longer be in order.

Time Limits on Speeches

While it is the general rule in the Ontario House that there are no time limits on speeches this is subject to certain exceptions.

When a motion is made to set aside the ordinary business of the House to discuss a matter of urgent public importance the mover of the motion and a representative of each of the other recognized parties in the House are allowed five minutes each to explain to the Speaker why in their opinion the emergency debate should or should not be permitted to proceed. If the House decides to proceed with the debate, each Member participating is limited to ten minutes.

When Private Members’ Business is being dealt with in the period allotted to that purpose the time for speeches is limited in accordance with the Standing Order and as explained later in this volume.

When a Member has served notice to the Speaker that such Member is dissatisfied with the answer to an oral question given by a Minister and wishes to debate the matter on the adjourn-

ment of the House on the following Tuesday or Thursday such Member on the adjournment debate is limited to five minutes. Similarly, if the Minister wishes to reply, he or she is also limited to five minutes.

In consideration of the Estimates either in Committee of Supply or in a Standing Committee, while there is no limitation on individual speeches there is an overall limitation on the time permitted for each group of Estimates.

Orators

Before leaving this chapter on debates in the House a personal opinion on some of the outstanding speakers might be permitted. During the time of my service at the Table the Member who comes first to mind is Mr. Farquhar Oliver who as Leader of the Liberal Party in Ontario was for many years Leader of the Official Opposition. He was a natural orator who spoke extemporaneously from extremely brief notes and yet his speeches were masterful examples of construction. His magnificent voice contributed in no small way to his success and one remembers that in the days before the public address system was installed when it was necessary for him to make himself heard over the heckling of his opponents he could fill the whole Chamber with his voice.

A masterful orator of a different style is Mr. Stephen Lewis who for some years was Leader of the New Democratic Party in Ontario. He is more of a trained speaker and his major addresses in the House were very carefully prepared and seemed at times to rank almost as dramatic presentations.

Mr. Robert Welch who held a number of portfolios during the Robarts and Davis ministries could when he put his mind to it and took time to carefully prepare a speech, rank with almost anyone as an orator, as could the late Fernand Guindon, former Member for Stormont.

Mention must be made of the late Elmer Sopha, for many years Member for Sudbury as well as the late Agnes MacPhail, Member for York East and Ada Pritchard, Member for Hamilton Centre. Mr. Sopha was a very effective debator and on occasion could rise to real heights of oratory with a liking for the use of

somewhat unusual words at times. He never believed in using a one-syllable word if he could use a three-syllable one to mean the same. This predilection was graphically illustrated one year when he was winding up the Budget Debate for the Liberal Party and Patrick Lawlor was doing the same for the New Democratic Party. It was getting a bit late and the Members were anxious to prorogue the Session and get home so Mr. Sopha called over to Mr. Lawlor "I think we should truncate our remarks", to which Mr. Lawlor replied with his familiar humorous grin "Yes, I might even cut them short". Miss MacPhail the first woman member of the House, and Mrs. Pritchard were, in the opinion of the writer, two of the most effective speakers of the women Members.

It is also impossible to ignore A. A. MacLeod, member for Bellwoods from 1943 to 1951. He was a declared Communist although elected as Labour Progressive, but admitted by all to be a very fine speaker who could lard his speeches, even when given extemporaneously, with quotations from classical literature, including the Bible. His most famous quip was when he joined in congratulations to T. L. Kennedy when he took over the Premiership in 1949. Mr. MacLeod said that when Mr. Kennedy was Deputy Premier to Mr. Drew it was a combination that reminded him of arsenic and old lace and now that the House had got rid of the arsenic, he was looking forward to a term of old lace.

On November 14th, 1919, following the general election of October 20th, the United Farmers of Ontario formed the government under the Premiership of Ernest C. Drury, although Mr. Drury had not contested the election. He was known as a very fine speaker, sometimes referred to as a "Silver Tongued Orator" and a vacancy was created opening the door for him to enter the House at a by-election to lead his government.

Only Members no longer in the House have been heretofore referred to in this section but it would be remiss not to make reference to the Honourable Robert Nixon. During his term as House Leader of the Official Opposition he was often "put on the spot" with absolutely no notice, to fill in for one of his Party's critics who was not present to take part in the debate on a Bill or other matter coming within his field. When such occasions

arose, Mr. Nixon showed an amazing ability to speak off the cuff on almost any subject, eloquently and humorously.

To complete the reference to a comparatively recent time in the history of the House one should mention that Mr. Frost, Mr. Roberts and Mr. Davis could not be considered orators but through experience became extremely effective debators particularly adept at winding up the major debates for their parties.

Going back a few years the late George Drew and the late Mitchell F. Hepburn are remembered. Mr. Drew was an exceptionally fine political speaker and the opinion has been expressed by persons who disagreed with him politically that they never heard better speeches than his. Mr. Hepburn was an equally effective speaker of a different type. More in the rough and ready street-fighter style, he had the gift of cutting an opponent down with a word or quip.

If there is anyone still living who was mature enough to form a judgement at the time that the late G. Howard Ferguson was in his prime it might well be considered that he was the greatest of them all. In addition to his oratory, his quick wit and repartee added to his effectiveness. An observation was made at one time that it would have been interesting to see him and Mr. Hepburn opposed to each other in the House at the same time. The reply was "No, it would have been a duel between a bludgeon and a rapier".

CHAPTER IV

PRIVILEGE

Origin of Privilege

Some parliamentary privileges rest entirely upon the law and customs of Parliament while others have been conferred by statute. If this were not so parliamentary privileges would of necessity be found in the common law. The origin of privilege in England can be traced back to Edward the Confessor and the High Court of Parliament, when the Court of Last Resort consisted of the Crown and the Lords Temporal. The Crown's entourage enjoyed the protection of the Crown known as the King's Peace. This protection was claimed by the Commons separately until its assertion became usage and custom and eventually part of the general and public law of the land.

Definition of Privilege

Erskine May's *Parliamentary Practice*, 20th Edition, defines privilege as "the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament and by Members of each House individually without which they could not discharge their functions and which exceed those possessed by other bodies or individuals." Thus privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law.

The particular privileges of the Commons are defined as "the sum of the fundamental rights of the House and of its individual Members as against the prerogatives of the Crown, the authority of the ordinary Courts of Law and the special rights of the House of Lords."

The current Standing Orders of the Legislative Assembly of Ontario define privilege as "the rights enjoyed by the House collectively and by the Members of the House individually conferred by the *Legislative Assembly Act* and other statutes or by practice, precedent, usage, and custom".

It is also provided that whenever a matter of privilege arises it should be taken into consideration immediately.

The privileges expressly included in the *Legislative Assembly Act* are as follows:

Except for a contravention of the Act a Member of the Assembly is not liable to arrest, detention or molestation for any cause or matter whatever of a *civil nature* during a Session of the Legislature or during the twenty days preceding or the twenty days following a Session. The Act also provides that during those periods Members, officers and employees of the Assembly and witnesses summoned to attend before the Assembly or a Committee thereof are exempt from serving or attending as jurors in any Court of Justice in Ontario.

The Act also provides that the Assembly has all the rights and privileges of a Court of Record for the purpose of summarily enquiring into and punishing as breaches of privilege or as contempts and without affecting the liability of the offenders to prosecution and punishment criminally or otherwise according to law, independently of the Act, the acts, matters and things following:

1. Assault, insult or libel upon a Member of the Assembly during a Session of the Legislature or during the twenty days preceding or the twenty days following a Session.
2. Obstructing, threatening or attempting to force or intimidate a Member of the Assembly.
3. Offering to, or the acceptance by, a Member of the Assembly of a bribe to influence him in his proceedings as such, or offering to or the acceptance by a Member of any fee, compensation or reward for or in respect of the drafting, advising upon, revising, promoting or opposing any bill, resolution, matter or thing submitted to or intended to be submitted to the Assembly or a Committee thereof.
4. Assault upon or interference with an officer of the Assembly while in the execution of his duty.
5. Tampering with a witness in regard to evidence to be given by him before the Assembly or a Committee thereof.
6. Giving false evidence or prevaricating or misbehaving in giving evidence or refusing to give evidence or to produce papers before the Assembly or a Committee thereof.
7. Disobedience to a warrant requiring the attendance of a

witness before the Assembly or a Committee thereof, or refusal or neglect to obey a warrant.

8. Presenting to the Assembly or to a Committee thereof a forged or false document with intent to deceive the Assembly or Committee.
9. Forging, falsifying or unlawfully altering a record of the Assembly or of a Committee thereof, or any document or petition presented or filed or intended to be presented or filed before the Assembly or Committee, or the setting or subscribing by any person of the name of another person to any such document or petition with intent to deceive.
10. Taking any civil proceedings against, or causing or effecting the arrest or imprisonment of a Member of the Assembly in any civil proceeding, for or by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise, or said by him before the Assembly or a committee thereof.
11. Causing or effecting the arrest, detention or molestation of a Member of the Assembly for any cause or matter of a civil nature during a Session of the Legislature or during the twenty days preceding or the twenty days following a Session.

The Act also provides that for these purposes the Assembly possesses all the powers and jurisdiction necessary or expedient for inquiring into, adjudging and pronouncing upon the commission or doing of the acts, matters or things mentioned and for awarding and carrying into execution the punishment thereof.

It is further provided that when a person is found guilty of committing any of the offences above mentioned, in addition to any other punishment to which he may by law be subject, such person is liable for imprisonment for such time during the Session of the Legislature then being held as is determined by the Assembly. The Act goes on to provide for issue of the Speaker's Warrant to the Sergeant-at-Arms to keep the person in his custody. The Speaker may also issue his Warrant to the Sergeant-at-Arms and to the Superintendent of a Correctional Institution in the Judicial District of York under which the Sergeant-at-Arms may take such person into custody and deliver him to the Superintendent, commanding the Superintendent to receive and keep him in custody in accordance with the order of the Assem-

bly. The determination of the Assembly upon any proceeding under the Act is final and conclusive.

For a fuller account of these proceedings, Members should carefully read sections 45 to 48 of the *Legislative Assembly Act*. Sections 49 to 52 explain the protection given to persons publishing papers by authority of the Assembly.

The evolution of parliamentary privilege is largely the story of the prolonged struggle of the Commons to win the rights and freedoms which they enjoy today. In this connection, Members should realize the full significance of the declaration the Speaker of the Ontario House addresses to the Lieutenant Governor in announcing his election as Speaker as follows:

“May it please your Honour,

The Legislative Assembly have elected me as their Speaker, though I am but little able to fulfil the important duties thus assigned to me.

If, in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me and not to the Assembly whose servant I am, and who, through me, the better to enable them to discharge their duty to their Queen and Country, hereby claim all their undoubted rights and privileges, especially that they may have freedom of speech in their debates, access to your person at all seasonable times, and that their proceedings may receive from you the most favourable consideration.”

And the reply of the Government House Leader as follows:

“Mr. Speaker,

I am commanded by His Honour the Lieutenant Governor to declare to you that he freely confides in the duty and attachment of the Assembly to Her Majesty's Person and Government, and not doubting that the proceedings will be conducted with wisdom, temperance and prudence, he grants and upon all occasions will recognize and allow the constitutional privileges.

I am commanded also to assure you that the Assembly shall have ready access to His Honour upon all suitable occasions, and that their proceedings, as well as your words and actions, will constantly receive from him the most favourable construction."

Other Privileges

One of the most important of the parliamentary privileges is that of freedom of speech. This resulted from a very long struggle between the Monarch and the Commons until it was finally completely recognized by the Bill of Rights in 1688. A very interesting illustration of this struggle was the event when Charles I accompanied by an armed escort entered the Commons Chamber and attempted to arrest five Members of the House on a charge of treason resulting from proceedings of the House. Taking the Speaker's Chair he called on the five Members to surrender but the House maintained an angry silence. He then demanded of Mr. Speaker Lenthall that he point out the five Members. Mr. Speaker fell to his knees in front of the Monarch and delivered his historic reply "May it please your Majesty I have neither eyes to see nor tongue to speak in this place but as the House is pleased to direct me, whose servant I am here."

The importance of this privilege today lies in the immunity it confers upon Members of Parliament from the law of libel and slander. It must be remembered that Parliament has always reserved to itself the right to discipline its own Members and therefore it is the duty of the Members not to abuse this privilege.

Another of the recognized privileges of Parliament and one which there is a tendency to overlook today is the right to fair and honest report in newspapers of the proceedings of the House. Any report which the House deems to be of a slanderous nature amounts to a breach of privilege or contempt of the House and may be punished accordingly if the House wishes.

If a Member feels that a newspaper article amounts to a breach of privilege or contempt the procedure if followed to its conclusion is as follows: the Member brings the offending article to the attention of the House and sends it to the Table. The Member then moves either that the offender be brought before the Bar

of the House or that the matter be referred to a Committee of the House and the offender required to appear before that Committee. If found guilty the offender may be dealt with as outlined in the *Legislative Assembly Act* above referred to or dismissed with a reprimand.

What is believed to be the last occasion on which such action was taken was back during the Premiership of Sir Oliver Mowat. A letter written to a Member of the House by a member of the Press Gallery named Hector Charlesworth, who years later became quite a distinguished journalist as Editor of *Saturday Night*, was felt by the House to be a contempt. Premier Mowat suggested that he would speak to Mr. Charlesworth in the dinner interval and have him appear before the Bar voluntarily if possible. This was done following the interval and an eyewitness report states that Mr. Charlesworth stood at the Bar of the House in the custody of the Sergeant-at-Arms visibly shaken and made abject apology after which he was dismissed with a reprimand. By modern practice in the House of Commons of the United Kingdom the practice is to proceed as far as the motion and then to let the motion lapse. For many years in Ontario no Member has ever proceeded even that far; Members are anxious only to correct the record and they call the attention of the House to the offending articles, state the reasons for considering them offensive and then drop it there, not moving the motion. The Charlesworth case did not of course arise out of a newspaper article but the effect and procedure is identical.

While Members have not pursued the complete procedure with respect to newspaper articles, there have been several cases of recent years where matters of breach of privilege or contempt have been referred to the Procedural Affairs Committee. For example, there was the case in 1978 where service of documents in a civil action was made on Mr. Jack Riddell, Member for Huron-Middlesex, during the Session. By order of the House the matter was referred to the Procedural Affairs Committee, which Committee found that his privileges had indeed been breached but recommended that no further action by the House was necessary.

More recently, there was the occasion on which the Canadian Imperial Bank of Commerce took punitive action against Mr.

David Reville, the Member for Riverdale, as a result of his action in taking part in a demonstration at the bank in support of a strike of employees thereof. The bank's action consisted of terminating his account and calling in a note. The bank later apologized for its actions and re-instituted Mr. Reville's account and loan. After hearing from a number of witnesses, including officials of the bank who expressed their regret, the Committee determined that while the bank had acted very unwisely there had been no actual breach of Mr. Reville's privilege as a Member of the House nor could the bank's action be considered a contempt.

It should also be noted that a Member is not protected by privilege from the consequences of any words he utters outside the House or the publication on his own initiative of any speeches he has made inside the House.

Referring again to the freedom from arrest or molestation enjoyed by Members before, during and after a Session, this excuses Members from even attending as witnesses in civil matters during those periods. It was even held at one time that the mere serving of a subpoena on a Member was a breach of privilege. However, by modern practice the mere service is not considered contempt unless it is made within the precincts of the House, but the Member may exercise the exemption provided by the *Legislative Assembly Act*, in the Members' discretion.

The specific offences referred to in the preceding paragraphs are more properly designated as contempts of the House.

In the Legislative Assembly of Ontario, as in other parliamentary jurisdictions, Members repeatedly rise on what they call matters of privilege which in fact have nothing to do with any of the recognized privileges of Parliament. For example, one of the most common is when they feel that they have been offended by a statement of another Member. As has been previously mentioned, if the statement complained of is in fact one of those matters which have been held to be out of order in debate then the Member would have a legitimate point of order but there is no privilege involved. While it is true that in many cases the Member really is of the opinion that he has a matter of privilege, it is also true that often Members will rise on so-called matters of privilege or points of order knowing full well that the matter they wish to raise is neither but merely use this method to gain

an opportunity to answer immediately a point being made by the Member who has the floor. Sometimes they merely wish to make a quip or a facetious remark. However it is fair to say that a confusion does exist and continues to exist between what is privilege and what is order.

As previously mentioned there is a valid point of order if a Member has addressed a remark to another Member which is clearly out of order in debate such as accusing another Member of uttering a deliberate falsehood or misleading the House or using abusive or insulting language of a nature likely to create disorder. It is important to note that such points of order must be raised immediately or at least within a matter of minutes; they must be called to the Speaker's attention so that he is in a position to rule on the point without delay. Many breaches of order do slip by because they escape the Speaker's attention and no objection is taken, but if the Speaker hears a remark that is clearly out of order or such remark is brought to his attention he must as presiding officer and protector of the rights of all Members insist on the immediate withdrawal of the offending remark. A Member may not as is often done rise on a later day and attempt to direct the Speaker's attention to what he considers to be a breach of order. The time for such intervention has gone by. On the other hand, a genuine matter of privilege must pertain to one of those special rights and privileges which the Members and the House enjoy as Members of Parliament.

Personal Statements

It seems appropriate that this subject should be dealt with here as Members very often rise on what they call matters of privilege which are actually personal statements or personal explanations, the two terms being synonymous. A Member who wishes to explain, excuse, justify or apologize for previous conduct is permitted to make such a statement with prior permission of the Speaker. This procedure is taken by the indulgence of the House and not as of right since there is no question before the House at the time and no debate may take place. Such statements have been made to explain previous conduct in regard to a particular question or occasion or to reply to an accusation made by another Member or to correct an alleged misrepresentation. The most

famous example of personal statements is the Profumo case in the House of Commons of the United Kingdom in 1963. Profumo rose to make such a statement in which he alleged that the scandalous allegations in the press were totally false. Later he again rose to make another such statement and informed the House that he had lied to it, that the allegations were true and that he was resigning his seat. The House assumes that a Member making such a statement does so with complete integrity and three days after the second Profumo statement a resolution passed by the House left no doubt that the abuse of this right constitutes a grave contempt of the House.

In Ontario probably the most interesting case of what was really a personal statement arose out of an incident in the late 1940's. The Premier of the day, Mr. Drew was speaking in debate when the Leader of the Opposition, Mr. Oliver, made an interjection across the floor. The Premier waved his hand and said "Oh some day you fellows will see the light". A Member of the Opposition in the back row, one Joe Meinzinger, Member for Waterloo North, jumped to his feet and said "I've seen the light Mr. Speaker". Of course, as soon as the House rose that day the media people asked him what he meant; his explanation being that for some time he had felt that he was more in sympathy with the government's policies than those of his own party. The next day he rose on what he called a matter of privilege, but was in fact a personal explanation, and elaborated on the statement he made to the media. He asked the government to invite him to cross the floor, but stated that whether this was done or not he would support the government for the balance of the parliamentary term. As no invitation was issued he sat as an independent until the House was dissolved for the next election, but did in fact support the government on all votes. At the election he tried for the nomination for the government party but was unsuccessful, ran as an independent Progressive Conservative, lost the election and disappeared from the Legislature.

CHAPTER V

OFFICERS AND SERVANTS OF THE HOUSE

The Speaker

The Speaker is of course the senior officer of the House who presides over the proceedings in the House except when the House is in Committee. The title is a very ancient one and derives from the fact that in early times in the Mother of Parliaments the Speaker was the officer who spoke to the Monarch on behalf of the Commons. At first the Speaker was appointed by the Crown and his actions were regarded with suspicion by the Commons in those long years of struggle between the Crown and the Commons. Eventually the Commons gained the right to elect the Speaker from among their own Members. While this was a great step forward it often placed the Speaker in a very dangerous position when carrying messages from the Commons to the Monarch of which the Monarch did not approve. This was particularly so with the autocratic Tudor dynasty. With such strong minded Monarchs as the first Elizabeth, if she did not like the message the Speaker was apt to find himself confined in the Tower of London. It is for this reason that in those days the chosen Speaker was really very reluctant to accept the office and often had to be physically pushed into the Chair by other Members. This in turn led to the custom, still observed even in these more peaceful times, in the House of Commons of the United Kingdom and the House of Commons of Canada whereby the chosen Speaker feigns reluctance and is pulled forward by the mover and seconder of his election. This custom is not followed in Ontario although it may well have been in earlier times, particularly in the Parliaments of the Provinces of Upper and Lower Canada and the Province of Canada prior to Confederation.

Election of the Speaker

The practice in Ontario is for the Premier of the day to discuss his nominee with the Leader of the Opposition and of late also with the Leader of the Third Party. It is rare that there is any disagreement with the selection but should there be the Premier

would proceed with a seconder from his own party, in lieu of the Leader of the Opposition.

At the first Session of a new Parliament following a general election when the Lieutenant Governor enters the Chamber with his entourage and is seated in the Speaker's Chair the Government House Leader addresses the House as follows:

"I am commanded by His Honour the Lieutenant Governor to state that he does not see fit to declare the causes of the summoning of the present Legislature of this Province until a Speaker of this House shall have been chosen according to law, but today at a subsequent hour His Honour will declare the causes of the calling of this Legislature."

The Lieutenant Governor then retires.

The Clerk then calls for nominations for the Office of Speaker and his election having been properly moved and seconded, he is declared to be elected. It is indeed extremely rare for any other Member to be nominated.

The mover and seconder then leave the Chamber by the main entrance to accompany the newly elected Speaker into the House. He is waiting in the Speaker's area adjacent to the Chamber fully costumed in gown and tricorne and is escorted by the mover and seconder into the Chamber by the main entrance and up to the steps of the dais where standing on the upper step he expresses his thanks to his mover and seconder and the House for his election, in his own words. He then takes the Chair, and the Mace is placed upon the Table.

The House then adjourns during pleasure and the Speaker, leaving the Chair stands with the Sergeant-at-Arms with the Mace at rest to the right of the dais in front of the Government Members' desks. The Lieutenant Governor then re-enters the Chamber and takes his seat on the Throne, when Mr. Speaker addresses the Lieutenant Governor as previously indicated in Chapter IV announcing his election and calling upon the Lieutenant Governor to recognize the privileges of Parliament to which the Government House Leader replies in the words also previously mentioned. The Lieutenant Governor then opens the Session by delivering the Speech from the Throne after which he retires and the Speaker re-ascends the dais, reads pray-

ers, and announces that to prevent mistakes he has obtained a copy of His Honour's speech which he will read. By will of the House the reading is dispensed with.

The House then proceeds with its business as indicated on the programme for the Opening.

The only variation in this procedure occurs when the office of Speaker becomes vacant part-way through a Parliament. In that event when the House meets the Speaker's chair is vacant and the Mace is not on the Table. The Clerk of the House announces the vacancy and calls for the election of a new Speaker, proceeding as above, the main difference being that the Lieutenant Governor does not enter the Chamber until after the election of the Speaker. Then the customary announcements and reply are made by the new Speaker and the Government House Leader. The Lieutenant Governor then retires immediately.

It has been suggested from time to time that provision be made for the election or appointment of a permanent Speaker who would hold office until retirement or until replaced by the House for cause. In this connection it is often stated that the Parliament of the United Kingdom has a permanent Speaker system but this is hardly correct. When a new Speaker is elected he customarily continues to hold office as long as he can retain the seat for his electoral district or until he decides to retire. For a very long time the Speaker was unopposed at the general elections and so this led to the term "permanent Speaker". For some time now the Speaker has usually been opposed in his electoral district but not by the major parties and so has had no difficulty in retaining his seat. When he runs, he runs really not as a candidate for the party for which he was originally elected but as Speaker.

The suggestions in Ontario have been for some form of really permanent Speaker who would not be obliged to contest the elections. Some years ago, Donald C. MacDonald, when Member for York South introduced a Private Member's Public Bill with this in mind. He stated at the time that he did not expect the Bill to be passed as introduced but brought it forward merely as a vehicle for discussion and consideration. The proposal contained in that Bill was that when the new system came into effect, after the next general election the elected Members would con-

stitute the electoral district of Queen's Park and proceed to elect a Speaker who would continue in office until retirement or replacement as mentioned heretofore. This Speaker could be one of the Members elected at the election in which case his seat would be vacated, necessitating a by-election, or he or she could be someone from outside the House altogether, perhaps someone who was recognized as an authority on parliamentary procedure and practice.

These suggestions are very interesting but it should be remembered that the Mother of Parliaments struggled for many years to obtain the right to elect one of its own Members as Speaker and on the whole this has worked very well and should not be altered without a great deal of consideration.

Duties of the Speaker

The Speaker is in a position which might well be considered ambivalent in that, while he is the servant of the House as was so dramatically stated by Speaker Lenthall in 1641, he is also in a sense the master of the House in that he is the presiding officer who must control the House and the Members and make such decisions and rulings as are necessary to keep the House in order and to see that the business is properly carried on in accordance with the rules and precedents.

Probably the most important requirement for a good Speaker is a sense of humour. A Speaker with this asset will often be able to defuse a tense situation by a quip that brings a laugh to the House. This lightens the mood of the House and enables the Speaker to keep better control. A Speaker who lacks this attribute and perhaps takes himself too seriously will always run into difficulties. The Speaker must of course be absolutely fair, so fair that he makes the Members realize that he is being totally impartial. He must gain the respect of the Members by ruling in an absolutely unbiased way regardless of what his party affiliation may have been before his selection as Speaker. He must be firm when necessary but willing to admit that he is human and subject to error as everyone else. He must not allow Members to "push him around" as it were. He must show that he has strength. Some prejudice may be evident in the opinion that a Speaker who is a lawyer by profession has a distinct advantage. Such a

Speaker is accustomed to interpreting the law and can more easily discuss points of parliamentary law with the Clerk. The Speaker must however guard against being a martinet. Nothing arouses the resentment of the Members more than a Speaker who is too arbitrary and unbending in his control of the House.

On the other hand the Speaker must never, ever allow a Member to interrupt him when he is on his feet especially when he is addressing the House. Recently it has very often happened that a Member who has raised what he considers to be a point of order will jump up and interrupt while the Speaker is dealing with it, taking over the floor from the Speaker. It bears repeating that this must not be allowed; Members must wait until the Speaker is finished and then, if it is believed that another valid point may be raised, that is the time to do it provided that the Speaker is prepared to hear it. The interruption is usually for the purpose of disagreeing with the ruling the Speaker is making, which of course is entirely out of order.

Sometimes Members seek to impose on the Speaker duties and obligations which he does not in fact possess. For example, on several occasions Members have rushed in from Standing or Select Committees, risen on an alleged point of order and attempted to inform the Speaker of the ruling of the Chairman of a standing or select committee with which the Member disagreed. In other words, the Member in such a case is trying to second guess the Chairman and obtain from the Speaker a ruling that the Chairman's ruling was wrong. The correct procedure in bringing matters from Committees to the House will be dealt with later in this volume; here suffice it to say that the Members making these attempts were completely out of order. The Speaker has no right to take any cognizance of any proceeding in a Committee until it is brought to the House by a report from a Committee properly presented by the Chairman. Of course such report must be passed by a majority of the Committee before the Chairman may present it to the House.

Some years ago there were two incidents which graphically illustrate the point made in the preceding paragraph. In the first of these a Member hurried in from the meeting of a Standing Committee and interrupted the proceedings of the House on what he alleged to be a point of order. He informed the Speaker

of a ruling the Committee Chairman had just made, suggested that it was out of order and asked the Speaker to so rule. The Speaker of course quite properly pointed out to him that there was no provision for what he was attempting to do. Any appeal from the Chairman's ruling must be made to the Committee not by an individual Member to the Speaker; that he was completely out of order and such a matter could only be brought to the House in a report passed by the Committee and presented to the House by the Chairman. The second incident took place when the Chairman of the Public Accounts Committee presented the Committee's report and then presented a minority report emanating from those Members of the Committee who belonged to one party. The Vice-Chairman of the Committee immediately rose and pointed out to the Speaker that this report had never been before the Committee nor had any authorization been given by the Committee for its presentation. The Speaker ruled it out of order and in so doing pointed out that minority reports are not permitted by the Standing Orders in any event. It was suggested to the Speaker at the time that in the first incident he ruled that the Committee was its own master and that he could not interfere and now he was ruling otherwise and that therefore he was wrong in the one incident and right in the other. There was of course no connection between the two incidents whatsoever. In the first the Member had no standing; he had no authority to try to second guess the Chairman's ruling by appealing to the Speaker and nothing was properly before the House from the Committee. In the second incident the Chairman had presented a report which was in fact out of order but he had brought it to the House in the ordinary way as Chairman and so of course the Speaker had to deal with it.

In the case of the Committee of the Whole House an appeal may be taken from a ruling of the Chairman to the House as provided in Standing Order 113. In such a case the committee rises without motion and the Chairman reports the matter to the Speaker. In one such case, on March 14th, 1947, the Speaker personally ruled in favour of the Chairman's ruling. One must disagree to some extent with this action by the Speaker of the day in that the Standing Order makes it very clear that the appeal is to the House, not to the Speaker. The correct procedure is

for the Speaker simply to put the question to the House "Shall the Chairman's ruling be sustained?" and the vote is held on this question in the usual way, even a recorded vote if five Members stand to indicate that this is desired. In the 1947 case it is interesting to observe that the Speaker actually started out this way and then changed his mind and ruled himself. Similarly, if the Chairman of a Committee of the Whole House names a Member for refusing to obey the direction of the Chairman the procedure is the same. The Committee rises without motion and the Chairman reports to the Speaker who then deals with the matter exactly as if the offense had been committed in the House itself.

It is difficult to conceive of misconduct in the Committee serious enough to be reported to the House which would not lead to naming a Member. However, should this occur, a motion may be made to report the disorder to the House. If such motion is carried the Committee rises and the Chairman reports to the Speaker who then puts the question to the House as to what action if any should be taken. Only the House can censure disorder in any committee (see Standing Order 113).

As has been already mentioned under the heading of Privilege, Members repeatedly rise on what they call points of order or privilege which in fact they are not; for example, when a Minister has made an announcement outside the House which some Members feel should have been made in the House. The reason for raising this in this chapter is that the Speaker has on a number of occasions pointed out that while it may be a courtesy for the Minister to make such announcements first in the House it is not a breach of privilege or contempt not to do so. When such improper matters of privilege are raised the Member frequently calls on the Speaker to "investigate this and report back to the House" or "take the appropriate action", despite the fact that several Speakers have repeatedly pointed out that they do not have either the obligation or the authority to investigate and report back on anything. In such cases the Speaker's only function is to rule on whether or not a possible case of privilege has been raised. Should he rule that there is a such a case then any action thereon must be taken by the House not by the Speaker.

Another imaginary duty which Members sometimes seek to impose on the Speaker is the duty to count the House when

ruling as to whether the Ayes or the Nays are successful in a vote. A former Member of the House was accustomed to stand on such occasions and scream at the Speaker, "Can't you count, can't you count?". He could never understand that the Speaker is not only not required to count, but he is not supposed to count. When ruling on a voice vote he says, "In my opinion the Ayes have it" or as the case may be. Those words "In my opinion" are most important. He is only giving his opinion which can be questioned by five Members standing in their places to call for a recorded vote. In arriving at his opinion he is entitled to take in all relevant matters including the probabilities based on the relative strength of the parties in the membership of the House. Even though the party which in his opinion is entitled to the victory is numerically weak in the House at the moment if he knows that when the Members are called in they will be in the majority he is entitled to base his opinion on that consideration. No one counts or is entitled to count until the Members are called in when the roll is taken and the count is made at the Table and reported. An interesting example of this principle took place in the Parliament of the United Kingdom some years ago in a committee when the Chairman said "In my opinion the Nays have it." Some of the Members objected that no one had said Nay and the Chairman said something to this effect "I am entitled to take into consideration the probability and in my opinion the Nays have it, which opinion I am about to confirm by calling in the Members. Call in the Members". When the Members were called in the Chairman's opinion was confirmed.

In fact the Speaker is not even supposed to count to ascertain whether or not a quorum is present. He assumes that the Members are satisfied with the numbers in the House at the time unless a Member rises on a point of order to express the opinion that a quorum is not present. When this occurs the Clerks count the House and report as to whether there is or is not a quorum. If not the Speaker says, "Call in the Members," and the bells ring for not more than five minutes when the House is again counted by the Clerks and report made to the Speaker. If a quorum is then present the work of the House proceeds. If not the House automatically adjourns, the names of the Members present at the time are recorded at the Table and published in

the *Votes and Proceedings*. This has occurred only once, at least in recent history. There is an additional step if the House is in Committee. If after the count there is still not a quorum the Committee rises and the Chairman reports the fact to the Speaker who again orders that the Members be called in and the bells again ring for up to five minutes after which the procedure is as above indicated.

Naming a Member

This procedure is perhaps more difficult for a conscientious Speaker than any other he is called upon to perform. Some brief mention of this has been made previously but the procedure laid down by the present Standing Orders is briefly as follows:

If a Member flouts the authority of the Chair by refusing to terminate his remarks when directed so to do, by refusing to be seated when so directed, by refusing to withdraw unparliamentary language when requested or by creating disorder in any other way the Speaker has no alternative but to name the Member in which case, if the offence is a minor one the Speaker will direct the Member to withdraw from the service of the House, including committees, for the remainder of the day; however, should the offence be more serious the Speaker will ask for a motion under which the Member may be suspended from the service of the House for any time stated in the motion not exceeding two weeks, unless force is necessary when the Member will without any further question be suspended from the service of the House during the remainder of the Session.

The procedure when a Member is named by the Chairman of a Committee of the Whole House has been explained in an earlier section of this chapter.

“Seeing” a Member

Speakers in the House of Commons of the United Kingdom have an unofficial practice for punishing a Member without naming him or making any verbal observation. If a Member offends in some way which the Speaker does not consider serious enough

to name him, the Speaker simply declines to "see" that Member for whatever period he decides. That is he says nothing but when the member tries to get his attention to ask a question or to speak in a debate, the Speaker just turns a blind eye to him and passes him over.

Some years ago, Speaker Stokes decided to follow this practise with respect to a Member of his own party but he made a formal announcement of his intention not to see the Member until the member saw fit to withdraw certain remarks and apologize to the House. At the same time he requested the Committee Chairmen to follow the same procedure when the Member endeavoured to participate in Committee proceedings. There was, of course, no precedent for this procedure and it actually was out of order, but the Member in question finally capitulated so that he could make his speech in one of the major debates in which he was particularly anxious to participate.

As the Speaker wished to bar the Member from participation in the business of the House until he withdrew his remarks, the proper way would have been to call on him each day to make the necessary withdrawal and, on the Member's failure to do so, name him again and expel him for the balance of the day. One of the most tempestuous occurrences in the history of the House took place under this procedure on the 24th of March, 1937. Leopold Macaulay, Member for York South from 1926 to 1943, became enraged when Premier Mitchell F. Hepburn moved closure on the motion for Second Reading of Bill 96, the Assessment Amendments Repeal Act, 1937. Mr. Macaulay believed that there was an agreement to allow him to reply to the motion and when informed by Speaker Norman O. Hipel that the closure motion was not debatable he became so angry that he refused to be seated when so directed, moved out to the floor, shouted at the government and expressed his anger to the Press Gallery.

Eventually, he had to be removed from the House by the Sergeant-at-Arms, Captain Charles Rutherford, V. C. Before his removal he ran to the right side of the Speaker's dais and wrapped himself in the Union Jack which was draped there at that time.

After he had been taken out, George H. Challies, Member for Grenville-Dundas, obtained a Union Jack and draped it over Mr. Macaulay's desk.

Later that evening the Premier moved a motion to re-admit Mr. Macaulay to the House. The Leader of the Opposition, George S. Henry, Member for York East, protesting the action that had been taken, declined to second the motion. The motion then carried unanimously when seconded by Harry Nixon, Member for Brant.

Mr. Macaulay was in the House from 1926 until 1943 when he retired. He was a Member of the Cabinet in the last few months of the administration of G. Howard Ferguson, and through the government of George S. Henry.

Social Obligations of the Speaker

In addition to the duties of the Speaker as presiding officer of the House, there are certain social and ceremonial duties attached to the office. The Speaker represents the Legislative Assembly at numerous social and ceremonial functions and is required to receive and entertain visiting parliamentarians and other distinguished visitors.

Resignation of the Speaker

There have been a number of occasions in the history of the Legislature when Speakers have resigned for various reasons such as ill health or to accept an appointment, perhaps to the Cabinet. However, there appears to be only one occasion on which the Speaker resigned as a result of a disagreement with a Minister. The Speaker was the Honourable W. J. Stewart, Member for Parkdale, and the year was 1947. The events leading up to the resignation were that the Honourable George Doucett, one of the senior Members of the Cabinet, Minister of Highways and Minister of Public Works, had a meeting in his office shortly before the day's sitting of the House, with a number of people from Ottawa including, I believe, a federal cabinet minister. These visitors thought that they would like to see the House in action for a short while and so Mr. Doucett's secretary called the Speaker's office to ask for tickets for the Speaker's Gallery. Apparently the practice at the time was for the Speaker to issue these tickets personally and the Minister's secretary was told that no tickets were available. It seems that Mr. Doucett apologized

to the visitors and told them that evidently the Gallery was full. When he got to the House he looked up and saw only two men in the Speaker's Gallery. Just before the Orders of the Day he rose and in a rather light way asked the Speaker for an explanation. The Speaker said that he would discuss the matter later and as soon as the House went into committee which was the first order of the day he signaled Mr. Doucett to meet him in his office adjacent to the Chamber. Shortly after Mr. Doucett returned to the House a letter in an envelope of the Speaker's Office was delivered to the Clerk. Guessing that it was the Speaker's resignation and wishing to give him a chance to reconsider, the Clerk refrained from opening the envelope and so was able when enquiries came from the Press Gallery to say that he had not seen any resignation. However, Mr. Stewart then gave an interview to one of the newspapers that evening in which he stated definitely that he had resigned and so when the House met on the next sitting day, Monday, March 24th the Clerk informed the House of the vacancy in the office of Speaker and read Mr. Stewart's letter of resignation. The Mace was then brought into the House and placed on the hangers under the Table and the Clerk called for nominations for the office of the Speaker.

Mr. Farquhar Oliver, the Leader of the Opposition, raised as a point of order the proposal that as the Speaker had been elected by the House his resignation should be dealt with by a Resolution of the House. The Clerk ruled that such a Resolution was not required and stated that his ruling was supported by an opinion obtained from Dr. Arthur Beauchesne, Clerk of the House of Commons in Ottawa, a recognized authority on parliamentary procedure. Mr. Oliver then moved, seconded by Mr. Harry Nixon, the Member for Brant that the House declined to accept the resignation of the Honourable W. J. Stewart and expressed its confidence in his ability and impartiality at all times. The Clerk ruled that under the procedure to be followed in such cases the motion was out of order as the Office of Speaker is vacant as soon as the resignation is in the Clerk's hands. On appeal, the Clerk's ruling was sustained on a recorded vote of 53 to 17. The Premier, the Honourable George Drew, then moved, seconded by the Honourable Thomas L. Kennedy, Member for

Peel and Minister of Agriculture, that Mr. James de C. Hepburn, Member for Prince Edward-Lennox, be Speaker of the House. Mr. Oliver then moved, seconded by Mr. Nixon, that Mr. W. J. Stewart be Speaker of the House. This was accepted as an amendment to Mr. Drew's motion but Mr. Drew pointed out that the Member for Parkdale, Mr. Stewart, was in his place and it should be ascertained whether or not he accepted the nomination. Mr. Stewart rose and, stating that he did not wish to cause any further dissention, withdrew after which the election of Mr. Hepburn proceeded in the usual way. The only slight disagreement the present writer might have with the procedure is that the nomination of Mr. Stewart by Mr. Oliver was accepted as an amendment to Mr. Drew's motion. I am of the opinion that any number of nominations may be accepted and the names put to the House in the order in which they have been nominated. In the Stewart case, before he withdrew, the Clerk was about to put his name first as being an amendment to the main motion which, it is suggested, is incorrect.

The only other occasion on which it appeared that more than one nomination might be made was in 1981. As usual the Premier, seconded by the Leader of the Opposition, moved the nomination of the Speaker. The Leader of the Third Party rose to oppose the nomination on the ground that he had not been sufficiently consulted and repeated several times during his remarks that he intended to oppose the nomination. After he and the Leader of the Opposition, the Premier and immediate past Speaker had spoken the question was put, "Are there any further nominations?" A further nomination of course would be the only way to oppose the nomination and when none was made nominations were declared closed and the Honourable John M. Turner was declared to be elected.

Some Historical Notes on the Office of the Speaker

An interesting custom followed for many years was that of a Speaker taking his chair with him when he retired. This practice continued until the retirement of the Honourable James H. Clark, Member for Windsor-Sandwich. Mr. Clark was elected Speaker on March 8th, 1939 following the resignation of the Honourable Norman O. Hipel who resigned to accept a Cabinet appointment.

He held office until the defeat of the government in 1943. Before retirement he had made it clear that there was no way that he could accept his chair as he lived in an apartment in Windsor. Consequently, the artist who painted his portrait for the Legislative Building was commissioned to paint at the same time a smaller replica thereof for Mr. Clark to take with him in lieu of the chair. This has been the custom since that time and the chair in use by the subsequent Speakers is the one used by Mr. Clark, although it is believed to be the chair made for Speaker Rupert M. Wells who held office 1874 to 1880, which chair was later presented to the Assembly by his family.

Two chairs have been returned to the Legislature of recent years by the families of former Speakers who wish to see them properly preserved and these chairs are on view in the Legislative Building.

The Speaker's robe is the same as that of a Queen's Counsel formerly with one exception; up until 1981 the Speaker's gown had a train the end of which was held up by attaching a small loop thereon to a button on the Speaker's cuff. As the train had been abandoned by most jurisdictions as being an unnecessary nuisance the Honourable John M. Turner, elected Speaker in 1981, decided to do without it, a change which has probably gone unnoticed by the Members of the House. Mr. Turner's successor, Speaker Edighoffer, followed Mr. Turner's decision.

Of course, the Speaker's costume differs from that of a Queen's Counsel in two respects; he wears a white bow tie in addition to legal tabs, and a tricorn when entering the Chamber to open the day's sitting, and when leaving on adjournment of the House.

Another matter of perhaps some historical interest is that many Members are under the impression that the Honourable John E. Stokes, Member for the electoral district of Lake Nipigon who was elected Speaker on Monday, October 17, 1977 was the first Opposition Member to be elected as Speaker. That impression is incorrect as there was at least one Opposition Member who served as Speaker prior to Mr. Stokes, namely, Nelson Parliament, Member for Prince Edward who was elected Speaker on March 9th, 1920 and served until February of 1924; that is he served throughout the tenure of the government of the United

Farmers of Ontario although he was a Member of the Liberal Party.

Until the Honourable Donald Morrow became Speaker in 1963, the Speaker's only office was the one immediately adjacent to the Chamber on the east side. There was no Speaker's Parade as he was merely led into the Chamber by the Sergeant-at-Arms from the door of his office. When Speaker Morrow was assigned his main office on the first floor of the building, he instituted the Speaker's Parade. After a short while he apparently became tired of the walk up the Great Staircase and the party came from the first to the second floor on the elevator and then paraded into the Chamber. Speaker Cass abolished the parade and resumed the practice of coming in from the side. This practice was retained until the Honourable John Stokes became Speaker, when the parade was reinstituted. Speaker Turner returned to the practice of entering from the side door, until requested by a committee of the Legislature to reinstitute the parade, at which time he adopted the practice of forming up in Room 228 and parading along the second floor corridor to the Chamber.

From the beginning of the Ontario Legislature, provision has been made for the accommodation of the Speaker. Until 1934, this accommodation consisted of the quarters in the west wing on the first and second floors of the Legislative Building now occupied by the Lieutenant Governor, with one exception. His Honour's present private office was formerly the kitchen of the old cafeteria which later became the Members' Dining Room. This addition to the Lieutenant Governor's Suite was made during the tenure of the Honourable Pauline McGibbon. The present Speaker's apartment, except for the master bedroom and the hallway leading to it, was the apartment of the Sergeant-at-Arms. Following the election of the Hepburn Government in 1934, Government House, Chorley Park, was closed and the present disposition of the quarters in the Legislative Building began.

Deputy Speaker and Deputy Chairman

The Deputy Speaker, who is, like the Speaker, appointed for the full life of a Parliament, assumes the duties of the Speaker

in his absence and otherwise assists and relieves the Speaker as directed, and is the Chairman of Committees of the Whole House.

The Deputy Chairman of Committees of the Whole House is appointed for each Session to relieve the Chairman and to take the Speaker's chair when called upon. In the absence of both the Speaker and the Deputy Speaker, the Deputy Chairman has to assume the duties of Speaker and appoint a Chairman *pro tem*.

The Mace, the Symbol of the Speaker's Authority

The word "mace" is derived from the French *massue* or *masse*. Originally it was a type of wooden club sometimes iron-tipped or decorated with spikes used by militant bishops who were forbidden by canonical law from using swords or other cutting weapons. Gradually, it became an emblem of authority rather than a weapon.

Ceremonial maces began to be very ornate with precious metals and jewels during the thirteenth century and the right to carry a mace was granted as a special privilege. When the Mace was introduced into the Parliament at Westminster is uncertain, but it was definitely in use by 1344 when Members of the Commons protested its presence as an infringement of their prerogative, as the Sergeant-at-Arms who carried the Mace could use it to subdue an unruly Member.

Its Parliamentary use first represented the authority of the Crown as exercised by the Members of the assembly but in modern time it has become a symbol of the authority of the Speaker. When the Speaker is in the Chair, the Mace must be in its place on the Clerk's Table before him. No Member may pass between the Speaker and the Mace when it is on the Table or when it is taken off the Table by the Sergeant-at-Arms. The Mace is removed when the Speaker leaves the Chair, or a sitting is suspended, or when the House goes into committee. When the Mace is removed from the Table when the House goes into committee, it is simply placed on hangers under the end of the Table and replaced when the Speaker resumes the Chair to receive the committee's report. When the House adjourns its sitting for the

day, again the Sergeant-at-Arms precedes the Speaker, this time out of the Chamber, with the Mace on his shoulder.

Ontario's original Mace dates back to 1792, when the first Parliament of Upper Canada was convened by Governor Simcoe at Niagara-on-the-Lake, then Newark. The Mace had a primitive appearance. It was made of soft wood, perhaps pine or fir, and was gilded and painted red in parts. The arches of the crown were imperfectly fashioned from four thin strips of brass and its crudely carved wooden bonnet is painted red. The staff was broken diagonally at some point during its use, for the two parts are now held together by screws.

This Mace was used in the first Parliament Building when the assembly was moved to York (Toronto). It became one of the spoils of war when the United States forces attacked and captured York on April 27, 1813. The Mace and several other artifacts were seized by the commander of the invading troops and later presented to the United States Naval Academy Museum in Annapolis, Maryland. The Mace was not returned until 1934, when as a gesture of goodwill, President F. D. Roosevelt put through an act of Congress to restore this treasure to its rightful place. On July 4, 1934, on the occasion of Toronto's civic Centennial, the Mace arrived at Toronto Harbour on the U.S.S. *Wilmington* and was presented to Lieutenant Governor Dr. Herbert Bruce by Rear Admiral W. D. Lealy. The Mace was carried by the Sergeant-at-Arms at the opening of the next Session of the Legislative Assembly. It was subsequently placed in the Royal Ontario Museum and loaned for display to Fort York. During the Hepburn regime of the 1930s, the historic relic was occasionally used for the opening or closing of a Session and also during the Frost and subsequent regimes for special occasions. The Mace is currently housed in the Legislative Building, Queen's Park.

Little is known about the Mace that was in Upper Canada between 1813 and the Union of the two Canadas in 1841. No record of its purchase or its whereabouts has ever been found. In August of 1881, Colonel Clarke, then Speaker of the Ontario Legislature, attempted to attract public attention to the missing Mace and thus uncover any information leading to its return.

"That it still exists is almost certain" he wrote, yet his efforts to retrieve the Mace were unsuccessful.

After the Union of the Canadas, the Speaker of the House, Sir Allan Macnab, suggested the purchase of a new Mace, which was obtained in 1845 at a cost of \$500. The new Mace, a facsimile of the one used in the British House of Commons, was five feet long, silver and gilded, and elaborately decorated. Atop the open crown were an orb and cross, and it was encircled below by lozenges and pearls. The design for the chasing consisted of a rose, a thistle, a harp and shamrock.

The second Mace also had an exciting history. In April of 1849, it was stolen by one of the leaders of a mob that attacked and set fire to St. Ann's Market, Youville Square, in Montreal where Parliament was sitting. Despite the efforts of the Sergeant-at-Arms to defend the Mace, it was seized with the apparent intention of destroying it in a public demonstration. Fortunately, the Mace was rescued and returned to Sir Allan Macnab the next day.

The Mace escaped destruction on two other occasions. Once in 1854 when the Parliament Buildings in Quebec were ravaged by fire and again several months later when the buildings were consumed while they were being prepared for meetings of the Legislature. The Mace continued to be used by the Union Parliament in Toronto and Quebec until Confederation, when it was taken to Ottawa.

The Mace remained in the House of Commons until February 3, 1916, the day the Parliament Buildings were gutted by fire. The Senate Mace was saved, but all that remained of the House Mace was a fist-sized ball of silver and gold conglomerate.

The third Mace, still used in the Legislative Assembly at Queen's Park, came into existence after Confederation in 1867. The Honourable J. Sandfield Macdonald, Premier of the new Province of Ontario (formerly Upper Canada) arranged for a Mace to be procured for the first opening of the Provincial Legislature. The Mace was crafted by Charles E. Zollikofer of Ottawa for \$200. Both the cost and the appearance of this Mace are modest compared with the second Mace. Yet the Zollikofer Mace is impressive nevertheless. It is made of copper and richly gilded. The

club end, which resembles a flattened ball, is ornamented by raised leaves. The cup at the other end of the four-foot Mace is decorated in gleaming brass leaves. The cup, measuring about eight inches long, is rounded at the shaft end and flattened on top, where it is surmounted by a crown.

The Mace originally bore the crown of Queen Victoria and her monogram, V. R., on the cup. When Edward VII came to the throne, Queen Victoria's crown and initials were replaced by those of the King. The replacement work was done in 1902 by Dorrien Plating and Manufacturing Company. This company maintained possession of the former cup until 1906, when it was turned over to W. H. Hanna, Provincial Secretary, for safe-keeping. The present location of this cup is unknown, but the replacement cup, with the cipher "E. R.", remain on the Mace today.

Perhaps a personal anecdote concerning the Mace and the Sergeant-at-Arms might be of interest. At the opening of the first Session after I had taken over as Clerk, the Speaker and the then Sergeant-at-Arms, the late Major B. Handley Geary, V. C., were standing to the right of the dais as usual while the Lieutenant Governor read the Speech from the Throne. The Chamber was crowded and the heat overcame Major Geary who was quite elderly. He fell to the floor and the Mace made a considerable noise when it was dropped. Several of the aides to the Lieutenant Governor rushed forward and carried the Major out to the Speaker's office adjacent to the Chamber. Unfortunately, in so doing they also took the Mace and the Speaker was left standing alone without the symbol of his authority. I was able to catch the eye of the senior legislative attendant and beckoned him to the Table where I asked him to retrieve the Mace and stand with the Speaker and complete the duties of the Sergeant-at-Arms for the day. Everything went off well but it can be imagined how disturbing this was at one's first Opening as Clerk.

Some years ago, there was quite an exciting incident relative to the mace. A young man, who had been a candidate for the leadership of the Liberal Party of Ontario at its two previous leadership conventions, somehow gained admission to the floor of the Chamber and, walking to the foot of the Table, picked

up the Mace. He shouted something to the effect, "The Leadership of the Liberal Party in Ontario is illegal and I can prove it." At that moment one of the legislative attendants quietly took him into custody, replaced the mace in its proper position on the Table and escorted him out of the Chamber where he was handed over to the Provincial Police. I believe he was dismissed with a caution.

The Clerk

Like that of the Speaker the Office of the Clerk is a very ancient one going back over 900 years in the Mother of Parliaments. The title derives from the fact that the early Clerks were clerics, clerk and cleric being two forms of the same word. The reason for this was of course that at that time generally speaking clerks or clerics were the only people who could read and write. Today, although not required by statute, many jurisdictions insist that the Clerk be a lawyer. Whether one is reading Parliamentary Law or Common or Statute law the principle is the same. The training received as a lawyer is essential to the performance of this task and the interpretation of the law.

The Clerk is the senior permanent officer of the Legislature with the rank of Deputy Minister and under the *Legislative Assembly Act* "shall hold office during good behaviour but shall be removable from the office for cause by the Lieutenant Governor on an address from the Assembly". In other words the Clerk is theoretically appointed for life or until he decides to retire unless he does something outrageous for which the Assembly would pass an address to the Lieutenant Governor for his removal. He is responsible for the administration and what might be referred to as the machinery of the House; that is the orderly processing of the business in accordance with the daily order of business as directed by the Government House Leader after consultation with the other House Leaders. Perhaps the easiest way to summarize the duties of his office is to say that he is the secretary-general of the House, that being the term adopted by the Province of Québec. In modern times this is perhaps a more understandable title but one would be loath to see the historic title of Clerk abandoned.

In furtherance of the responsibilities mentioned in the preceding paragraph the Clerk and his assistants are responsible for the keeping of all records of the House and the production of the legislative papers such as the *Votes and Proceedings*, the *Orders and Notices*, and the daily business paper setting out the Routine Proceedings and the Orders of the Day. It is fair to say that the bulk of this technical work is now done by the Clerk's Assistants at the Table, the Committee Clerks carrying out somewhat similar duties with respect to the various standing and select committees. The most important duty of the Clerk himself is to be the procedural authority and if he is not already an expert in such matters at the time of his appointment it is imperative that he become so as quickly as possible. He must be prepared to advise and assist the Speaker at all times and particularly in the preparation of written rulings delivered by the Speaker. While of course such advice and assistance is required more by the Speaker than by other Members it should be noted that in the Ontario House as in the House of Commons of the United Kingdom the Clerk's help is available to all Members of the House. He frequently points out to Members why a proposed Notice of Motion or written question is out of order but how it can be re-drafted to serve the intended purpose while meeting the requirements of the Standing Orders. Of course Members frequently simply tell him what it is they wish to accomplish by a Notice of Motion and leave it to him to draft it in proper form.

Speaking of the Clerk's assistance being available to all Members of the House it was very surprising, at a meeting of the Association of Clerks-at-the-Table-in-Canada some years ago to hear Alistair Fraser, then Clerk of the House of Commons of Canada say that if a Member sought his advice or that of one of his assistants the Member would be told that they only advise the Speaker. This has never been the practice in the United Kingdom or in Ontario. At the same meeting Sir Barnett Cocks, a former Clerk of the House of Commons of the United Kingdom who was present as a guest mentioned an incident when a Member spoke to him in a rather disgruntled fashion because he felt that the Speaker had erroneously "put him down" when he was not out of order. Cocks calmed him down to some extent by saying something to the effect, "Yes the Speaker was a bit off

the track on that one but the House was in a rather excited mood at the moment". Fraser was quite shocked and said "Oh, we would never disagree with the Speaker, never". The writer joined forces with Sir Barnett by telling the meeting that not only would he disagree with the Speaker on occasion but in fact had more than once. The most important incident of such disagreement was when a standing committee passed a motion to exclude strangers for one part of its proceedings; in other words to hold that part of its consideration *in camera* as the common expression is. A member of the Press Gallery took the matter to the Speaker of the day who erroneously stated that a committee had to come back to the House to get authority to exclude strangers. This of course never was the practice in this or other jurisdictions following the Parliamentary system. Not content with having made the statement to the media the Speaker, unasked, then delivered a ruling in the House to the same effect. Not only was the ruling wrong but the procedure was wrong. The Speaker had no right to intervene in the proceedings in a committee when no report from the committee was before the House. This ruling caused quite a bit of discussion in other jurisdictions and fortunately was corrected at the next revision of the Standing Orders by the re-drafting of the relevant order, now S. O. 7 which reads as follows "All strangers may be excluded from the House or any committee thereof on a motion properly moved and adopted by the House or the committee as the case may be."

What might be called the routine duties of the Clerk and his assistants are set out quite fully in Standing Orders 122 to 126.

Some Reminiscences

For many years up to and including the early years of the immediate past Clerk, the Clerk practically ran a one man show. Some part-time assistance while actually at the Table in the House was rendered by the Clerk of the Executive Council who acted ex-officio as Assistant Clerk of the House, but the Clerk had to personally finalize the copy for the day's *Votes and Proceedings* and the next day's *Order and Notice Paper* and get them off to the printer and personally prepare, edit, and index the Journals of the House. This was possible when the Sessions were approximately eight weeks even though the daily sittings were as

a rule much longer than today, very often extending into the early hours of the morning.

I cannot help thinking of the many times I worked all night and never did get to bed. This occurred both as Clerk of the House and Chief Election Officer, the latter in the days when we took a special Armed Forces vote. One envies the short hours of the present Table Officers, especially as they have few, if any, night sittings.

Two occasions particularly come to mind. The first was the night of Tuesday, March 29 to Wednesday, March 30, 1949. The Treasurer (Mr. Frost) was leading the House in the absence of Premier Kennedy, who was ill. Mr. Frost was determined to get the Estimates of the Department of Education through Committee of Supply and to do so, the House sat until ten minutes before five o'clock in the morning. The Clerk was also ill that evening and I sat alone at the Table, through the night until the House adjourned. After an hour of sleep I awoke shivering with fatigue, got up, showered and shaved and got back to the office for a 9:30 a.m. Committee meeting for which nobody else showed up.

The other event which will always be remembered is the night of December 14th, 1972. It had been agreed that the Budget Debate and other preliminaries to Prorogation would wind up in reasonable time on Thursday the 14th; however, somehow the agreement went out the window and the House, after the dinner interval on Thursday, sat from 8 p.m. that evening straight through until it prorogued at approximately 10 a.m. on Friday morning, the 15th.

Referring to the time when eight weeks marked the usual length of a Session I know that the late Honourable Leslie M. Frost would not object to this little story as he told it himself more than once. As the time for a new Session approached I would be called to his office and he would ask "When is Easter". When informed of the date of Good Friday we would count back eight weeks and that would be the week in which the Session would start. He would then decide on which day of that week the Opening should occur. One year he asked "Have we ever started on Monday?" and when told certainly not in recent history he said "Let's start on Monday for a change" and that's how

the momentous decision for the day of the Opening was decided on that occasion.

Some very unusual experiences have come my way during my term as Clerk; for example, reading the Speech from the Throne and the Prorogation speech for several years. The Honourable J. Keiller MacKay, due to his rapidly failing eyesight, was able to read the Opening and Closing speeches at his first Session only. Prior to the opening of his Second Session, Mr. Mackay found that he could not read the Speech in any way. Premier Frost phoned me and told me that His Honour was very upset and was prepared to resign his post. Mr. Frost asked me to go and see His Honour and assure him that his resignation was not only unnecessary but undesirable. The Premier suggested that I offer to read the Speech for him. For the remainder of his term in office, he delegated the actual reading to me. I considered this to be a distinct honour and much enjoyed the privilege.

It was a great pleasure to serve with the Honourable Mr. MacKay and the other Lieutenant Governors since 1946. While these Lieutenant Governors were uniformly gracious and considerate their personalities differed. The Honourable Ray Lawson, whose terms was from 1946 to 1952 was very much the businessman, company director type. The Honourable Louis Orville Breithaupt, 1952 to 1957, was a rather shy man who balked at the idea of wearing a Windsor uniform or a top hat; a very kindly man. The Honourable J. Keiller MacKay, 1957 to 1963, was a very courtly gentleman and one of the finest orators, despite his visual handicap, that it has been the writer's privilege to hear. The Honourable W. Earl Rowe, 1963 to 1968, was a very affable man whose rural background added much to his personality. The Honourable W. Ross Macdonald, 1968 to 1974, was one of the most popular Lieutenant Governors ever to serve the province; a warm, humane man whom it was a pleasure to serve and one of the wittiest public speakers one can imagine. The Honourable Pauline M. McGibbon, 1974 to 1980, the first woman Lieutenant Governor, is a charming lady who took her responsibilities very seriously, and whose personality added much to the popularity of the Office. The Honourable John B. Aird, 1980 to 1985, another businessman as well as a very successful lawyer, had a free and easy manner that ingratiated him with

the Members of the House and the people of the province. The Honourable Lincoln M. Alexander, the present incumbent who has held office since 1985, is of course very well known for his ability and charm; a friend of many years.

None of the Lieutenant Governors to whom reference has been made had the pleasure of living in a Government House. Chorley Park was the last Vice Regal residence in the Province. Situated in north Rosedale at the head of Douglas and Roxborough Drives, beside the Don Valley, it was considered to be the most magnificent Government House in North America, outshining even the Governor General's residence at Rideau Hall in Ottawa.

Designed by Frank R. Heakes, the Provincial Architect, it was built over a period of four years from 1911 to 1915. Sir John Hendrie was the first Lieutenant Governor to reside there and it served as Government House from 1915 until 1937 when it was closed by Premier Mitchell F. Hepburn as an economy measure. It remained empty until the Federal Government acquired it for a military hospital from 1941 to 1953. The Royal Canadian Mounted Police occupied it in 1955 and then refugee Hungarians lived there. Toronto bought it in 1960. It had deteriorated greatly over the years and was demolished in 1961 when the magnificent site was converted into a city park.

The offices provided for the Lieutenant Governor and staff today, with the exception of one room, are those formerly assigned to the Speaker as has been mentioned elsewhere.

One of the many customs coming to the Ontario Legislature from the Mother of Parliaments was that of showing a light in the tower when the House was sitting at night.

Some years ago when the bulb was replaced for some reason, a red Christmas star was used. When complaints were received from the public the usual white light was restored. Of course under the Standing Orders now in force night settings have virtually been abolished, so that this interesting tradition may be obsolete.

The historic clock in the Chamber of the Assembly, is probably one of the furnishings brought up from the Parliament Building on Front Street to the present Legislative Chamber. In the late

1920s or early 1930s, when drapes were being put behind the Speaker's Gallery, it was apparently decided that the clock could not be put in place and it was stored in the attic. A small electric clock over the doorway was substituted. Fortunately, when Mr. Frost was Premier, he happened to be up in the attic one day and saw the clock. He was always intensely interested in the history of the Province and of the Legislature and directed that the clock be restored to its proper place by the following Monday. The electric clock was removed.

The mail box on the floor of the Chamber under the west side of the Clerk's Table has aroused much curiosity of recent years. This box is another survivor from the beginning of the Ontario House and was certainly in place in the old Legislative Chamber on Front Street and has been in the present Chamber since the beginning. Prior to the provision of offices for Members, during the Session the Members sent their parliamentary mail down to this box by the pages and it was cleared from time to time and taken to the Post Office for processing. This box has remained in place by tradition. It is, however, checked daily by a legislative attendant for mail which members occasionally place in it for posting.

Until the adoption of the new Canadian flag in 1965, the large Union Jack above alluded to was draped on a staff at the side of the Speaker's dais. After the adoption of the new flag, this was removed and two sets of three flags on the wall above the Press Gallery were substituted therefor. The three flags are the Canadian flag, the Ontario flag and the Union Jack (which represents Canada's association with the Commonwealth).

When the new Ontario flag was adopted a second flag pole, to the west of the entrance, was erected for its display.

Until sometime in the late 1950s or early 1960s, there was no Members' Dining Room. The present private office of the Lieutenant Governor, and Room 230 immediately adjacent to it, constituted the cafeteria for the building, open to Members and employees alike. When these quarters were converted to a Members' Dining Room, the room was enlarged by the addition of Room 228, the adjacent room to the south. When the modernization of the basement area was completed some years ago, the present dining room was opened and the old accommodation

on the second floor was converted to meeting rooms for the use of committees and caucuses.

Another custom which came down to the Assembly from the Mother of Parliaments was the requirement that women visitors wear hats or a head covering of some sort. This custom was observed in Ontario even after it had been abandoned in the United Kingdom until at the request of the member for Hamilton West, Mrs. Ada Pritchard, Mr. Speaker Morrow, with the approval of the House, declared it no longer necessary. Prior to this, women who did not have hats were made to place a scarf or handkerchief on their heads, much to the annoyance of many.

When referring to the wearing of hats in the Chamber, mention should be made of the fact that until the amendment of the Standing Orders some years ago, Members could wear hats as long as they "rose uncovered" when addressing the Speaker. This requirement was never enforced against Mrs. Pritchard, who always wore a hat.

G. Howard Ferguson often wore an eye shading fedora while in Opposition, although he usually wore a morning coat and no hat after he became Premier.

Two former Cabinet Ministers kept alive the tradition of wearing hats for some years. First the Hon. Harold Scott and, following his departure, the Hon. Wilfred Spooner, maintained this right by wearing a hat one day each Session. Of course today no Members wear hats in the House.

For many years, probably from the beginning of film censorship in Ontario, the films were reviewed in what might be referred to as the attic section, off the east end of the fourth floor of the Legislative Building. This accommodation is now used by the Broadcasting and Recording Service, which has retained, as an historical relic, the sign on the door reading "Treasury Department, Motion Picture Censorship, Theatre Inspection."

The Speaker and the Clerk

It is essential to the smooth operation of the House that the Speaker and the Clerk have a very close working relationship. The Speaker must be able to feel confident in the advice he receives from the Clerk on matters of procedure and precedent

and the Clerk must be very careful to be sure that the advice and information he gives to the Speaker is correct.

Decisions and rulings are made in three ways. If the Speaker is called on for a decision and feels not only that it is a matter which should be decided immediately but is confident that he is able to deal with it without assistance he makes his ruling without consultation and disposes of the matter quickly. However, should he feel that the matter should be quickly disposed of but requires some assistance he will send a Page asking the Clerk to confer with him; a consultation is then held on the steps of the dais as briefly as possible and the Speaker then deals with the matter. But should the question raised require some reference to the parliamentary texts and authorities the Speaker will reserve his ruling and it is then the Clerk's duty to look up the precedents and perhaps consult with one or more of his assistants and then prepare a ruling for the Speaker.

Some years ago, there was an amusing incident. The Speaker of the day reserved his ruling on a matter raised by a member of the Opposition. As the House was meeting early the next day, the ruling was not ready until just before the time for the House to meet. In those days the Speaker came in from the side and the ruling was handed to him as he was standing in the doorway just before the House was called to order. After prayers he rose and very solemnly stated, "Mr. . . . , yesterday you asked me for a ruling. I have given this matter a great deal of thought and. . . ." He then read the ruling which he had not seen before.

The writer has been very fortunate in his long service at the Table to have had a very close relationship with the Speakers with whom he served, almost without exception. In fact, some very firm friendships have resulted from this relationship.

Legislative Counsel

Another group of lawyers who are Officers of the House, even though they come under the direction of the Attorney General for administrative purposes rather than the Speaker, are the Legislative Counsel, originally known as Law Clerks. They are the people who put the Bills in their proper form for introduction and first reading and who see that any amendments made

as a Bill proceeds through the House are in proper form and not opposed to the principle of the Bill or to other Bills before the House.

Private Bills are passed on to the Legislative Counsel by the Clerk as it is their duty to see that such Bills do not undertake to enact general laws and that they do not conflict with any public statute. When a Bill has passed the various stages in the House prior to third reading, it is the duty of the Legislative Counsel to see that it is correct for such third reading and generally they are responsible to see that the legislation of each Session goes through in proper form.

When the writer first arrived at the Table there were only two Law Clerks (or Legislature Counsel) with a small staff in three or four rooms. Now there are 11 Counsel and a total staff of 38.

Many years ago the Legislative Counsel, or Law Clerk as he was then known, sat at a desk on the floor of the House. The last one to do so was an elderly man who, it has been said, rather indulged himself at his meals with the result that he very often fell asleep during the sitting of the House, in a very conspicuous way. This resulted in the removal of his desk and himself from such a prominent place.

The Sergeant-at-Arms

The Sergeant-at-Arms attends upon the Speaker in a ceremonial capacity not only on a day to day basis when he bears the Mace and leads the Speaker into the Chamber at the beginning of the day's proceedings and from the Chamber when the House adjourns but on other ceremonial occasions such as the Opening and Prorogation of the Sessions and when the House receives distinguished visitors. His duties are by no means all ceremonial however; he is the housekeeper of the House in charge of all furniture and furnishings and, subject to direction from the Speaker and the Clerk, he supervises the Legislative Attendants with respect to the services they are required to provide to the House and its Members. In addition, he assists the Speaker when called upon in maintaining order in the House such as escorting from the House any Member who has been named by the Speaker.

In this area his responsibility for the security of the House and the visitors' galleries can often be very arduous, particularly of recent years. In this capacity he supervises the security staff and directs them in dealing with any disturbances in the galleries especially when the Speaker has ordered a gallery or galleries cleared. The best illustration of how dangerous this responsibility can be and of a Sergeant-at-Arms carrying out those duties to the highest degree imaginable is the case in 1984 when an intruder entered the Legislative Building in Québec City with an automatic rifle and having killed and wounded several people invaded the Chamber even though fortunately the House was not sitting at that moment. Sergeant-at-Arms Major René Jalbert, showing heroism of the highest possible order, entered the Chamber alone, confronted the man and persuaded him to give up his weapon and surrender. It is impossible to imagine devotion to duty and bravery more deserving of admiration. It is a matter of great satisfaction that Major Jalbert is now Black Rod in the Parliament of Canada.

Legislative Attendants

The legislative attendants may well be described as the senior servants of the House under the direction of the Sergeant-at-Arms. They are responsible for the service of the Members, particularly supervising the Pages in rendering the various services, messenger and other, that they provide including the distribution of the Bills and other legislative documents each day during the Session and inserting them in binders in the Members' desks.

Change in the personnel of the legislative attendants of recent years is a very vivid illustration of the changing times. Until a very few years ago the attendants were always men whereas recently two of the three were women, only the Senior Legislative Attendant at the time being male.

Pages

Like the legislative attendants until 1971 the Pages were always male. Now an equal number of girls is taken on in each group. As previously indicated they are the messengers of the House;

they run errands, deliver messages, bring glasses of water to the Members and officers of the House and perform any other chores of that nature.

Until fairly recent years the Pages remained for the entire Session and at night sittings stayed as long as the House sat regardless of the hour. As far as their education was concerned they simply had to miss the time at school and pick up as best they could on their return. Under modern practice they receive tuition while serving as Pages and as the Sessions have increased greatly in length they now come in and serve for a period of 5-6 weeks so that a number of groups will serve during one Session.

There was an interesting happening in the first Parliament after World War I. A young war veteran on returning to civilian life was unable to find a job and pending getting something more suitable he actually served as a Page even though in those days Pages wore what were commonly called stove-pipe pants ending at the knee, long black stockings and patent leather pumps with bows. Fortunately he was very slight and rather small and so was not too conspicuous but one must admire his courage and determination. The respect he received from the other Pages can be imagined, a respect which was of great assistance to the legislative attendants and the other Pages.

CHAPTER VI

HOW THE BUSINESS OF THE HOUSE IS CARRIED ON

Something has already been said about the opening of the first Session of a new Parliament in dealing with the election of the Speaker. Except for that special requirement all openings are the same.

As the majority of Lieutenant Governors have been married men whose wives were living, that situation will be dealt with first. At approximately 1:30 p.m. the senior Aide-de-Camp and security report to the Lieutenant Governor at his residence. At ten minutes before 2:00 p.m. His Honour and his wife and party with Metropolitan Toronto and Ontario Provincial Police motorcycle escort leave for the Legislative Building. His Honour and wife together with the senior Aide-de-Camp usually ride in an open landau although on occasion particularly in bad weather His Honour's limousine is used. The cavalcade proceeds north on University Avenue and around Queen's Park Crescent to the drive in front of the Main Entrance of the Legislative Building, the police escort being responsible for timing to ensure that the arrival is exactly at 2:30 p.m. The Guard of Honour is drawn up on the south side of the driveway facing the main entrance of the building. An Aide accompanies His Honour's lady to one side of the saluting base while His Honour proceeds to that base where he is received by a vice-regal salute followed by a 15 gun salute from a saluting battery positioned north of the Legislative Building, and facing northeast, and the Lieutenant Governor proceeds to review the Guard of Honour following which the Guard gives a Royal Salute and the Lieutenant Governor's party proceed to the Lieutenant Governor's suite in the building. At approximately ten minutes to three the Premier calls upon His Honour and at 3:00 o'clock the order for entry into the Chamber is drawn up as follows: two of the Aides lead His Honour and spouse respectively, the lady being on His Honour's right. The Premier is immediately behind His Honour. The remainder of the escort following in two lines behind the Premier. The procession then proceeds to enter the Chamber by the main entrance all Members and visitors standing. The Vice-Regal couple is led

to the dais, His Honour passing to his left or the Government side of the Clerk's Table and his wife to her right or the Opposition side. The Premier drops off and stands at the foot of the Clerk's Table while the remainder of the escort proceed to take up positions to the right and left of the dais. His Honour and his wife take their seats, His Honour in the Speaker's chair, the lady in a chair provided on a special addition to the dais one step below the top. His Honour then says "Pray be seated" and all Members and guests take their seats, the Premier returning to his place. The Aide-de-Camp then receives the Speech from the Throne from the Government House Leader and delivers it to His Honour who proceeds to read the speech. At the conclusion of the reading the Aide-de-Camp receives the speech from His Honour and delivers it to the Speaker who is standing in front of the government benches with the Sergeant-at-Arms with the mace at rest. His Honour and party then leave the Chamber.

Here it must be explained that a representative group of Justices of the Supreme Court of Ontario have been seated in the House to the right and left of the dais and they leave at the same time, following His Honour's escort out of the Chamber. The reason for this departure is that as representatives of the Judicial Branch of government it is not considered proper for them to be formally in the House when the House proceeds with its business.

The Speaker will then ascend the dais and read the prayers after which he will announce that to prevent mistakes he has received a copy of His Honour's speech "which he will read." (By leave of the House this reading is dispensed with.)

A Minister of the Crown will then introduce one Bill for first reading. For many years this was a dummy Bill which was allowed to lapse on the Order Paper but since the early thirties it has been an actual Bill with which it is intended to proceed but of a routine or housekeeping nature and not one of those mentioned in the Speech from the Throne. The traditional reason for this is to assert the right of the House to have its business considered before the business of the Crown.

The Government House Leader will then present a motion

regarding consideration of the Speech from the Throne and any other special motions required by the circumstances of the day. Before the House Leader moves the adjournment of the House the Premier and other Leaders may make any desired remarks re elevations to Cabinet, recent vacancies, or other such matters.

There was a period from 1968 until 1980 when the order for procession from His Honour's suite into the Chamber was somewhat changed. First, during the tenure of the Honourable W. Ross MacDonald, P.C., Q.C., as he was a widower and it was thought undesirable to have him walk alone he was accompanied by the Premier on his right. His term was followed by that of the Honourable Pauline McGibbon, O.C. As Mr. McGibbon expressed a desire not to sit on the dais and to follow the Premier into the Chamber the order of the procession was the Premier on Her Honour's right, Mr. McGibbon immediately behind the Premier. Mr. McGibbon then dropped off to take a seat reserved for him in the front row of the visitors section on the Opposition side of the House.

Each daily sitting of the House after the Opening starts with the reading of prayers by the Speaker before the House settles down to work.

Routine Proceedings

As the name implies this is where provision is made for certain routine business for which provision must be made each day although all the procedures provided for are not always used. The Speaker calls them in the order provided by the Standing Orders and waits to see if anything comes forward under each item as follows:

Members' Statements. The 1986 Provisional Standing Orders provided for a new proceeding at the beginning of the routine proceedings. This period provides ten minutes for private Members to make statements not exceeding ninety seconds each on any subject which the member desires to bring to the attention of the House.

Statements by the Ministry and Responses. Customarily the Ministers give the Speaker prior notice of their intention to make a statement on any given day. When this item is called any Minister

may inform the House of any matter concerning the Ministry which it is felt should be brought to the attention of the House, such as statements of policy, proposed new legislation or other matters of interest to the House. Under the Provisional Standing Orders, following ministerial statements a representative or representative of each of the recognized Opposition parties may comment on the statements for up to five minutes for each party.

In former years there was no specific provision in the Routine Proceedings for these statements; a Minister wishing to make a statement simply waited until the Routine Proceedings were finished and the Speaker was about to call the Orders of the Day when the Minister would rise and say "Mr. Speaker, before the Orders of the Day I have a statement". One of the problems that this informal procedure gave rise to was that as there was no question before the House there could be no debate or any questions put to the Minister relating to the statement. Members were accustomed to use such expediciencies as rising on what they referred to as a "Point of clarification, Mr. Speaker". When the Standing Orders were revised some years ago it was decided that this procedure should be formalized and placed first on the Routine Proceedings with Oral Question Period immediately following to give Members an opportunity to ask questions relating to any statements.

Oral Questions. Similarly, originally there was no provision for oral questions in the Standing Orders. It was a matter of custom and the procedure was the same as previously outlined for Statements by the Ministry, that is, when the Routine Proceedings had been finished and before the Orders of the Day were entered upon a Member might stand and say "Mr. Speaker I have a question for the Minister of . . .". By the indulgence of the House and custom these questions were permitted. Up until the 1960's there might be one or two of these questions on any given day and on many days none at all. However, when a numerically stronger Opposition was elected to the House, a number of the Members of which had observed the Question Period in the House of Commons of Canada, the number of these oral questions asked each day increased dramatically to the point that on one occasion the House never did reach the Orders of the Day; it spent the whole afternoon until 6:00 o'clock adjournment on

oral questions. In an effort to bring this situation under control Mr. Speaker Cass on March 31st, 1969 set out the following principles:

"As has been explained on many occasions in the House, the only questions contemplated by our rules are written questions which appear on the Notice Paper. The putting of oral questions before the Orders of the Day on private notice is a practice of long standing, which has the authority of precedent and approval by the House, and the procedure on such questions has also been well established by practice and precedent. When Mr. Speaker or the Minister to whom the question is directed is of the opinion that the question is not a proper one to be answered orally before the Orders of the Day, the Speaker or the Minister, as the case may be, may require that the question be placed by the Clerk on the Notice Paper as a written question. This may be for any number of reasons, such as that the answer is too voluminous or too statistical to be given orally or that the subject matter is not sufficiently urgent. The discretion of a Minister in this matter is analogous to the discretion given him . . . by which he may in the case of a *written* question when the answer would require any statements of facts or records or statistics of a lengthy or voluminous nature, or other material which in the opinion of the Minister should be made the subject of a Return, instead of answering the question, require a motion be made for a Return."

In the revision of the Standing Orders in 1970 at the same time as the procedure for the Statements by the Ministry was formalized provision was made for the Oral Question Period as the second routine of the day as above mentioned.

Leading up to this various time limitations had been tried by agreement and when it was finally included in the Routine Proceedings the sixty minute period as at present was adopted.

The sixty minute period does seem rather long particularly in view of the fact that in Ottawa with more than twice as many Members the Question Period is forty-five minutes but it is difficult to see any curtailment of the time unless and until the

provisions with respect to Leaders' Questions are changed and the rule against preambles is enforced.

Lewis' Parliamentary Procedure of Ontario pages 43 to 45 are very interesting despite the fact that they were written for the original procedure on questions prior to the present division between oral and written questions. At that time, all questions were written and submitted by notice published in the Notice Paper. In the question hour they were then put orally, that is, read from the Notice Paper and answered by the Minister orally although his answer was also written and tabled so that both question and answer could be published in the *Journals* of the House; a very limited number of oral questions were allowed to clarify the Minister's answer. Some of these observations, however, may be paraphrased and are just as applicable today as in 1939. For instance, he states that a question must not contain any argument or opinion or any statement of fact and in replying to a question a Member must not debate the matter to which the question refers. He then quotes the then current edition of May's *Parliamentary Practice* with respect to the contents of questions. The quotation used at that time has been somewhat changed in the current edition of May, that is, the 20th Edition, by Speakers' rulings and the report of a parliamentary committee on parliamentary questions which reported in the Session of 1971–1972. May's 20th Edition at page 337 restates what has been said so many times, that the purpose of the question is to obtain information or press for action; it should not be limited to giving information, or framed so as to suggest its own answer or to convey a particular point of view and it should not be, in effect, a short speech. Questions of excessive length have not been permitted.

Questions which seek an expression of an opinion, or which contain arguments, inferences or imputations, unnecessary epithets, or rhetorical, controversial or offensive expressions, are not in order. Questions must relate to a minister's ministerial or administrative responsibility.

The facts on which a question is based may be set out briefly, provided that a Member asking it makes himself responsible for their accuracy, but lengthy extracts from newspapers or books, and paraphrases of or quotations from speeches, are not ad-

missible. Where the facts are of sufficient moment Speakers have required *prima facie* proof of their authenticity.

It is not in order in a question to reflect on the character or conduct of those persons whose conduct may only be challenged on a substantive motion, nor is it permissible to reflect on the conduct of other persons otherwise than in their official or public capacity.

An answer should not be of excessive length and should be confined to the points contained in the question, with such explanation only as renders the answer intelligible.

Supplementary questions may be addressed to such answers, *without debate or comment*, within due limits, which are necessary for the elucidation of the answers that are given. Supplementary questions cannot be asked when no answer has been given, for example when the minister has taken a question as notice, to be answered later.

As is pointed out in *Parliamentary Procedure in Ontario* at the bottom of page 44 the putting of questions to Ministers of the Crown is a most important portion of House proceedings for the private Member and especially so to a Member of an Opposition party. It affords a useful method of supervising the work of the administration and provides the private Member his greatest opportunity to take part in the proceedings of the House and to secure information which is often enlightening and of great public importance. The question period provides one of the most useful and interesting portions of the day's proceedings.

Petitions. In Ontario until fairly recent years there were two types of Petitions; one for Private Bills and General Petitions asking for redress of grievances. The form of both was the same and was highly formalized. There were two originals; one addressed to the Honourable Lieutenant Governor and the other to the Legislative Assembly of Ontario. The prescribed form had to be followed precisely and ended with a paragraph beginning "Therefore your Petitioners humbly pray that" setting out the request being made by the Petition.

Some years ago when the Standing Orders were being revised the Petitions for Private Bills were done away with as being too

burdensome for the applicant. A fuller explanation of this is made later when dealing with Private Bills.

General Petitions constitute the traditional right to petition Parliament for the redress of grievances. This method fell into disuse for many years so that Petitions for this purpose were extremely rare as the public found other approaches more practical; corresponding directly with the Ministry concerned being the most popular and persuading a private Member to introduce a Private Members' Public Bill also served to bring the matter to the attention of the House.

At the same time that Petitions for Private Bills were abandoned the form of the Petition was greatly simplified so that one original addressed to the Honourable the Lieutenant Governor and the Legislative Assembly is now sufficient by the provision of the Standing Orders. The problem that has arisen is that Petitions come in addressed, not to the Lieutenant Governor and the Assembly but directly to a Minister, in which case they are forwarded to the Minister concerned to do with as the Minister sees fit. Very often such Petitions, or those which are not addressed to anyone are presented by a Member who attaches a page to the front addressed to the Lieutenant Governor and the Assembly but this does not of course cure the flaw in the Petition; it must be apparent that the petitioners knew what they were signing and to whom they were addressing the Petition when they signed it. In the case of a single petitioner the signature must be on the page containing the prayer of the Petition and in the case of multiple petitioners at least three or four signatures must be on that page. Members presenting Petitions are answerable that they do not contain any improper matter and must certify this by signing the Petition. No Petition may ask for any expenditure of public funds or grant or charge on the public revenue.

Petitions have become the fashion again of recent years for some reason and perhaps particularly so since a provision was inserted in the Standing Orders to provide that such Petitions when properly addressed to Parliament must be responded to within two weeks. Perhaps as a result many groups have very recently adopted a new attack as it were, by having Petitions mass printed and then having copies signed by various branches

of the association or as the case might be so that they come in as separate Petitions all reading precisely the same and being presented by Members standing one after another day after day with the result that the Office of the Clerk will have literally dozens of identical Petitions filed.

Petitions maybe presented in two ways; the Member may stand in his place and present the Petition explaining its purpose and then sending it to the Table or a Member may simply send it to the Table either before the day's sitting actually starts or while the House is sitting without rising or saying anything. A notation of the presentation of all Petitions properly addressed appears in day's *Votes and Proceedings*.

Reports by Committees. This item of the Routine Proceedings is where reports from Standing and Select Committees are presented to the House. When a Committee is reporting Bills which have been referred to it or any other matter on which the Committee is required by the Order of the House to report and which requires immediate disposition, the Chairman in presenting the report moves its adoption. Formerly, reports from Select Committees or any report too lengthy to be read at the Table was simply presented with no motion for adoption and in practice the report was taken into consideration by the Government which decided what action, if any, would be taken thereon. By a recent addition to the Standing Orders a motion for the adoption of such reports may be made and the Chairman, after a brief explanation, is required to move the adjournment of the debate. An order is then placed on the list of government orders for the resumption of that debate.

Motions. This provision is for the moving by the Government House Leader of such routine motions as are necessary to carry on the business of the House such as temporary changes in the time of meeting or adjournment; and other such routine matters. Such motions, being non-substantive, do not require notice nor need there be a seconder. (Note — as previously mentioned the provisional Standing Orders eliminate the need for seconds, with certain exceptions).

Introduction of Bills. This is the last but most important of the Routine Proceedings. It is for the introduction of all legislation brought before the House. The form of the motion is: "I move

that leave be given to introduce a Bill entitled "An Act to amend the Municipal Act" (or as the case may be) and that the same be now read the first time." It will be noted that this is really a double or two-part motion, first for leave to introduce and second for First Reading. This motion is not debatable, however, it may be voted upon although this is very rare; there having been about three occasions on which recorded votes were taken in the last forty or fifty years. The usual practice is to pass the motion and to give the First Reading automatically, when the Speaker puts the question. There are two reasons for this, first as a courtesy to the Member introducing the Bill and secondly because other than the brief explanation given to the House by the Member introducing the Bill the House has no knowledge of its contents until it is printed and distributed.

Orders of the Day

The Routine Proceedings having been completed the House then enters upon the Orders of the Day as shown on the daily business paper. As previously mentioned these are taken from the *Orders and Notices* as agreed by the House Leaders and arranged in the order in which it is intended to deal with them although as mentioned meetings of the House Leaders "behind the Speaker's Chair" are frequently called throughout the day and changes including deletions and additions are made as agreed by the House Leaders.

Bills (Government)

Basically there are just two types of Bills, Public and Private. As Private Bills are subject to very special procedure they are dealt with separately later in this chapter.

Public Bills are Bills which apply to the Province as a whole and may seek to amend an existing Act, revise and supplant an existing Act or embody an entirely new principle. Public Bills are sub-divided into two classes, that is, Government Bills and Private Members' Bills. While both classes seek to accomplish similar objectives, under today's Standing Orders special provision is made for the consideration of Private Members' Public

Bills and other Orders so that this first section deals with Government Bills only.

Until fairly recently the stages through which a Government Bill had to pass to be enacted into law were 1) Introduction and First Reading, 2) Second Reading and referral either to a standing or select committee or Committee of the Whole House, 3) Committee of the Whole House either after Second Reading or when reported from the standing or select committee with or without amendment, 4) Third Reading, and 5) Royal Assent.

If the writer may lay claim to any worthwhile contribution to the procedures in the House perhaps the most important one, even more important than the complete revision of the Legislative publication, is the streamlining of the procedure on Bills. As a result of submissions made to a select committee some years ago, the procedure outlined in the preceding paragraph has been revised in such a way as to save many hours of time in the House. It is the intention of this section to outline the present procedure at the Second Reading and committee levels at the same time making a comparison with the former procedure.

When a Government Bill has been introduced and given First Reading the order for Second Reading is entered in the list of government bills and orders on the *Orders and Notices* paper. When the Minister or Parliamentary Assistant carrying the Bill is ready to proceed with the motion for Second Reading it is placed on the Orders of the Day on the daily business paper and when called the motion for Second Reading is made and the debate on the principle of the Bill takes place. Strictly speaking this debate should be confined entirely to the principle of the Bill but this is sometimes rather difficult for the Speaker to enforce too strictly; there are omnibus bills which contain several principles to any one or more of which the Members may speak; or a Member may with some justice allege that the section to which specific reference is to be made really embodies the meat of the Bill.

Furthermore, if it appears to the Speaker that by allowing a little leeway the necessity to send the Bill to committee may be avoided, he is prone to allow this. When the motion has been carried and the Bill given Second Reading the Speaker then puts the question "Shall this Bill be ordered for Third Reading" and

if unanimous consent is indicated, the Bill goes on to the list of Bills on the *Orders and Notices* paper waiting Third Reading without going to any committee. As indicated above the previous procedure was that every Bill which obtained full passage had to be considered at least by the Committee of the Whole House before Third Reading. By the present practice the majority of the Bills introduced by the Government in a Session go right from Second to Third Reading with no reference to committee as they are usually short, simple Bills or what are often known as housekeeping Bills which do not require clause-by-clause consideration.

If unanimous consent is withheld when the Speaker asks the question then the Bill must go to a committee and the Minister or Parliamentary Assistant indicates whether it is to go to Committee of the Whole House or a standing or select committee; however if the indication is for Committee of the Whole House twenty Members may stand in their places to indicate that the Bill is to go to a standing or select committee in which case the choice of such Committee reverts to the Minister or Parliamentary Assistant.

When a Bill is referred to any committee the former practice was that the Chairman had to call each section and after any debate or amendments had been dealt with put the question on the section as to whether it should stand part of the Bill. By the modern practice adopted at the same time as the new procedure on Second Reading the Chairman now puts the question when a Bill is called in Committee "Are there any comments, questions or amendments to be offered to this Bill and if so to which section". Members call out the numbers of the sections to which they wish to speak and the Chairman endeavouring to pick out the lowest number says "Is there anything before section number 10". Should a Member say "Yes Mr. Chairman number seven" for example he will then say "Shall sections 1 to 6 stand part of the Bill? Carried. The Member for . . . on section 7." In this way the committee goes more quickly through the Bill dealing only with those sections to which Members wish to speak, ask questions, or move amendments.

When a Bill is reported back to the House from a standing or

select committee either with or without amendment and the report has been adopted the Speaker again puts the question "Shall this Bill be ordered for Third Reading". In the majority of cases unanimous consent is given and the Bill goes on the list for Third Reading; however, should any Member say "No" then the Bill must go to the Committee of the Whole House for further consideration and possible amendment. When reported to the House from the Committee of the Whole House the Bill goes on the list for Third Reading.

When a Bill has been ordered for Third Reading it then stands on the list of Bills on the *Orders and Notices* paper awaiting Third Reading until it is called by the Government House Leader. Debate on the motion for Third Reading is comparatively rare; usually the motion is carried automatically similar to the motion for First Reading. However, occasionally on a very important Bill particularly one the Opposition has been opposing strenuously at every possible stage some Members may wish to speak to the motion for Third Reading. It must be remembered, and various Speakers have been trying very hard to get a clear understanding of this principle, that the debate on Third Reading is very restricted and should therefore be very brief. The Bill has been approved in principle on Second Reading and, if it is an important one has been considered clause-by-clause at least in Committee of the Whole House so that there is nothing left but for the House to decide whether or not the Bill will NOW be read a third time. Any discussion of the principle is obviously out of order as is any discussion of the sections including any amendments which may have been made thereto as these matters have already been decided by the House. The only debate which is in order at this stage is addressed to the question as to whether the Bill should or should not NOW be read a third time.

It should here be noted that on the motions for both Second and Third Reading the proper form of the motion is that the Bill be NOW read a second or a third time. It is for this reason that Bills may not be amended either at the Second or Third Reading stage but only in committee as the motions for Second and Third Reading do not deal with the provisions of the Bill but only with the motion as stated.

There is another matter relating to these motions which is not generally understood and that is that the defeat of a motion for Second or Third Reading does not defeat the Bill but only decides that it not NOW be read a second or third time but may be brought back later and the motion moved again although by modern practice this does not often happen. The reason that the defeat of the motion that a Bill be NOW read a second or a third time almost invariably removes the Bill from further consideration is that to bring it back the date for moving the motion again should be decided at that time or very soon thereafter and placed on the orders. For example, in the House of Commons of the United Kingdom, unless such a date is fixed the Bill is dead.

This brings up the question of how a Bill may actually be defeated so that it cannot be brought back on a later date. The usual method of taking a Bill out of consideration completely is to move a six-month's hoist. The form of this motion is that the Bill be not NOW read a second or a third time but be read this day six months hence or that the word NOW be struck out and the words "this day six months hence be substituted therefore". Should this motion be carried that effectively kills the Bill as even should the House be sitting "six months hence", by parliamentary practice the Bill is not brought back. This is a motion which is often misunderstood. A few years ago a motion for a three-month's hoise was made by a Member of an Opposition party as his party simply wished to delay the Third Reading for three months in order to give the Ministry time to reconsider certain provisions of the Bill but the term of the hoist was immaterial; had this motion carried it would have killed the Bill completely.

The correct way to attempt to postpone the Second or Third Reading of the Bill is to move a Reasoned Amendment to the motion for Second or Third Reading. The form of such motions is at the outset similar to a hoist motion in that the Member moves "That the Bill be not NOW read a second or third time". However, the motion then goes on to offer an alternative proposal such as that the Ministry take the Bill back for further consideration; or that the Bill be referred back to such and such a Committee with instructions to amend it as follows. . . . The

motion must offer some alternate proposal which if carried will have the effect of having that proposal adopted and dealt with before the Bill comes back to the House for Second or Third Reading. When a hoist motion or a reasoned amendment is defeated that means that the Bill must NOW be read a second or a third time as the case may be; that is, immediately. There can be no further debate or discussion. The Speaker puts the main question for Second or Third Reading to the vote immediately. Before leaving this section on government Bills reference must be made to the fact that financial or money Bills as they are often called, that is, Bills for the expenditure of public funds or intended to allocate public funds to a specific purpose or to impose a tax may only be introduced by a Minister of the Crown on the recommendation of the Lieutenant Governor. This is dealt with more fully in the Chapter on "Motions".

Finally, with respect to government legislation while it is true that the majority of the Bills introduced by the government at a Session are fully enacted and receive Royal Assent there are always a few which are allowed to lapse at the end of the Session or are withdrawn by the Minister for whatever reason. Of those that lapse some are introduced solely as what are often called study Bills so that they may be printed and distributed to members of the public who are directly concerned and who are asked for their comments and suggestions. In such cases it is the intention from the outset to allow the Bill to lapse, and perhaps to bring it back at a later Session with changes resulting from the representations made, and carried right through to completion.

Private Members' Public Bills

Actually such Bills differ in no way from government Bills with the one exception and that is that no Private Members' Public Bills may call for the expenditure or allocation of public funds or impose a tax. However, by our present Standing Orders the procedure differs dramatically from the procedure on government Bills. This procedure is explained fully in a subsequent chapter dealing with Private Members' Business.

Private Bills

These Bills which are designated by the letters "Pr" as part of the Bill number are known in some jurisdictions as special bills. In Ontario they are frequently and erroneously described as Private Members' Bills. This error is made by the applicants and even by some Members of the Legislature on occasion. Too much stress cannot be put on the fact that the word "private" in this instance refers to the Bill, not to the Member. The Bill is private to the applicant in that it is asking for legislation which will be applicable only to the applicant and not to the Province generally. The applicant may be an individual, a group of individuals, a society or a corporation. The majority of the Bills are from municipal corporations asking for authority to do something which is not covered by any of the general municipal statutes.

The procedure on these Bills is a very special one unlike the procedure on public legislation. It is set out very fully in the current Standing Orders and should be very carefully studied by all Members so that the Members may know what is involved when they are asked to sponsor a Private Bill for an applicant. Suffice it to say here that the Bills are filed with the Clerk of the Assembly subject to the payment of certain fees and the actual cost of printing. These are the only Bills that are referred to any standing committee before Second Reading, that is, immediately after Introduction and First Reading. It is at this committee stage that the Bills stand or fall. If passed by the committee and reported to the House either with or without amendments they then stand in the *Orders and Notices* paper for Second Reading under their own heading "PRIVATE BILLS". Second Reading is usually *pro forma* and a Bill when read a second time stands automatically ordered for Third Reading unless a Member specifically asks that it be sent to Committee of the Whole House. It is extremely rare for there to be any debate on either Second or Third Reading of such Bills and they then go on the list for Royal Assent at the earliest opportunity.

At the standing committee stage the applicant may appear either alone or with counsel and present the arguments in favour of the Bill or the explanation to the committee to assist the committee in arriving at its decision. Similarly, persons who wish

to support or oppose the Bill will let the Clerk know of their intention and they will be notified and may state their positions to the committee. One of the most interesting and perhaps most enjoyable aspects of this committee procedure is that it is entirely non-partisan. Such Bills are sponsored by Members on both sides of the House and this is of no concern to the committee or to the House. It makes no difference and if there is any disagreement in the Committee with respect to a Bill it will cut right across party lines.

In the very early days of the Ontario House such Bills were sponsored even by Ministers of the Crown, for their constituents or constituent municipalities but for at least 60 years it has been considered that Ministers should only introduce government legislation forming part of the government's programme for the Session and a Private Bill coming from a Minister's electoral district will be sponsored by a Private Member at the request of the Minister, usually a Member of a neighbouring electoral district. It is this fact that the Bills are introduced by Private Members that causes the confusion with respect to the designation "private".

A similar mistake to that heretofore referred to is that Private Members' Bills or Private Members' Public Bills, to give them their full title are often erroneously called Private Bills. The distinction cannot be stressed too much. Private Members' Public Bills are Bills which would apply to the Province as a whole just as are Government Bills. Private Bills as stated are Bills private to the applicant, that is that will make provision for some special legislation applying only to the applicant.

CHAPTER VII

MOTIONS

As stated in Lewis' *Parliamentary Procedure in Ontario*, "It may be truthfully said . . . that the motion is the mainspring which carries on the business of the House."

The present Standing Orders of the Assembly divide motions into 1) the routine motions under Routine Proceedings explained in a previous chapter, 2) procedural motions and 3) substantive motions. There is no problem about the first category, that is, the routine motions in the Routine Proceedings but as the draftsman responsible for the classification "procedural motions" the author is obliged to state that this classification is inferior to that contained in *Parliamentary Procedure in Ontario* on page 34. The classification used in that text is (a) substantive motions (b) ancillary motions (c) superseding motions and (d) subsidiary motions or amendments.

(a) A substantive motion is one which is not incidental to any other business of the House but is a self-contained proposal submitted for the consideration of and drafted in such a way as to be capable of expressing a decision of the House. As hereafter explained a motion to set aside the ordinary business of the House to discuss a matter of urgent public importance is considered to be a substantive motion, requiring notice. There is a variation with respect to the notice from that required for other substantive motions in that instead of being filed with the Clerk the day before it appears on the list of notices, the notice for such a motion as this is delivered directly to the Speaker before 12:00 noon on the day it is proposed to move it. In the present Standing Orders it is included under the heading Procedural Motions which is perhaps somewhat confusing.

Until recent years, the procedure for amending a motion or withdrawing one was rather rigid but under present practice and the existing Standing Orders it is quite informal. The Member need only to file an amended notice with the Clerk who will make the necessary change on the notices printed or such Member need only advise the Clerk in writing that it is his desire to

withdraw the motion and it will be removed from the *Orders and Notices* paper.

A notice of motion or a notice of a written question submitted to the House which contains unbecoming expressions, infringes the rules or is otherwise irregular may by authority of the Speaker be corrected by the Clerks at the Table. If the corrections are substantial they are submitted to the Speaker or the Member giving the notice.

If the Speaker is of the opinion that a motion is contrary to the rules and privileges of Parliament he calls this fact to the attention of the House before putting the question and may quote the rule or authority applicable to the case.

A notice of motion which is in the opinion of the Speaker wholly out of order may be omitted from the notices as printed. This would apply to a notice of motion reflecting on a vote of the House or a motion proposing to discuss some matter already before the House for consideration whether in the form of a Bill or in any other form including notice of any such motion.

The current practice with respect to substantive motions is the Member stands and moves the motion of which notice has been given, sends it to the Speaker and sits down while the Speaker puts the motion to the House for debate. The Speaker then calls on the Member to start the debate.

(b) Ancillary motions are motions which are part of the technical procedure in the House such as a motion for Second Reading of a Bill, that a Bill be referred to the Committee of the Whole House or some other committee, that the Report of a committee be concurred in or similar motions. If not contentious such ancillary motions are usually put by the Speaker as a matter of course and in the absence of a dissenting voice declared to be carried and so recorded. Ancillary motions do not require notice.

(c) Superseding motions are motions moved for the purpose of putting the original motion outside the consideration of the House such as a motion to adjourn the House, or to adjourn the debate or a closure motion. Such motion may be moved by any Member who gets the floor properly; that is, the Member may not interrupt a Member who has the floor and is speaking.

When such Member gets the floor the motion to adjourn the House may be moved and if carried the House would adjourn immediately until the next sitting day and the matter under debate would be removed from the *Orders and Notices* and cannot be again revived at the same session. On the other hand, if the motion is to adjourn the debate and is carried it simply adjourns the debate to a future date to be decided.

The form of the closure motion is that the question be now put and if carried the original question is put forthwith without amendment or further debate.

These superseding motions do not require notice and are not debatable under the Ontario Standing Orders.

In Committee of the Whole House the corresponding motion to moving that the House be adjourned is "That the Chairman do now leave the Chair", while that for adjourning the debate be adjourned is "That the Chairman do report progress and ask for leave to sit again."

(d) Subsidiary motions are moved to a main motion for the purpose not of superseding it but of altering its terms. Any Member in possession of the floor in the course of a debate after the main question has been proposed may move an amendment.

An amendment may propose to omit certain words of the main question, to omit certain words and substitute others or to add a new section or new sections to the main question.

If an amendment which purports to amend or alter certain words of the main question is defeated, no other amendment proposing to deal with the same words can be moved as the effect of the vote on the first amendment is to express the will of the House that the words of the question shall remain unchanged.

Amendments are out of order if they are irrelevant to the question they propose to amend; if they would if carried result in a defective, meaningless, or ungrammatical form of words; if they are inconsistent with any words already agreed to or seek to reinsert in a different form, words which the House has already agreed to leave out; if they are too late, that is when offered to words which have been ordered to stand part of the question or when offered to a part of the question previous to a part

which has been amended or when offered to words which have been added or inserted.

A motion is out of order which anticipates a matter published in the *Orders and Notices* or if it proposes to bring in a Bill which includes any matter already on the paper for consideration or which has already been decided by the House.

Motions to Adjourn the House to Discuss a Matter of Urgent Public Importance

This is a parliamentary device of very long standing the procedure for which has been the subject of considerable controversy in the Ontario House over the years and has been changed more than once. The present procedure is briefly as follows: a Member wishing to move such a motion must give written notice to the Speaker at least two hours before the sitting of the House on the day he wishes to move it. After Routine Proceedings and before the Orders of the Day, the member moves his motion. If the Speaker finds that the motion is in order, the Member moving the motion has up to five minutes to state his arguments in favour of the motion. One member from each of the other recognized Parties in the House then has up to five minutes to state his or her position on the motion. The Speaker then puts the question to the House "Shall the debate proceed?" If the majority of the Members oppose the debate that is the end of it and the House proceeds with the Orders of the Day; however, should the House decide in the affirmative the debate proceeds, each Member who wishes to speak being allowed ten minutes and the debate concludes when all Members who wish to speak have spoken, or at the time for the adjournment of the House. Such debates are commonly called "Emergency Debates".

A motion under this procedure must relate to a genuine emergency calling for immediate and urgent consideration; not more than one such motion may be made at the same sitting; not more than one matter may be discussed in the same motion; the motion must not revive a discussion on a matter that has already been discussed in the same Session under the same procedure; the motion must not raise a question of privilege, and the discussion under the motion must not raise any question that according to

the Standing Orders of the House may only be debated on a distinct motion on proper notice.

Other Substantive Motions

Substantive motions other than for First Reading of the Bill or those under the procedure described in the preceding section are usually referred to as Resolutions. Such Resolutions require notice and appear in the *Orders and Notices* one day after notice has been tabled with the Clerk. Whether notice is given by a Minister or a private Member such Resolution may not be preceded by preambles or recitals. In other words, the “whereas” clauses so common in municipal jurisdictions are completely out of order. Under the provisions of our present Standing Orders it is necessary to deal with the Government Resolutions and Private Members’ Resolutions separately as the latter are subject to the very special procedure provided for Private Members’ Business which is explained in a later section of this book.

Government Resolutions may be placed for discussion in the Orders of the Day on any day after the Notice has appeared in the list of Notices. This is at the discretion of the Government House Leader but is usually done only after advising the other House Leaders of the intention. If the Resolution is of serious importance the Government House Leader usually advises the House some time in advance of this intention. These Resolutions are called at the Table in the usual way as directed by the Government House Leader and moved. The debate then proceeds the Speaker recognizing the Members by party in rotation. This differs from the procedure in the Federal House where the numbers of speakers permitted for each party is predicated on the party’s strength in the House, that is, if one party has twice as many Members as another it is entitled to twice as many speakers in any debate. In Ontario the practice is simply to start with the mover if he wishes to speak first and then go to the Official Opposition and then to the Third Party and so on keeping this rotation subject to the provision that the mover always has the right of reply if so desired as the last speaker in the debate. Any Member speaking in the debate may move an amendment to the original motion for the purpose of defeating the object aimed at but such an amendment must not be a direct

negative of the spirit of the motion. An amendment having been accepted by the Speaker must be debated and decided before the debate on the main motion can be concluded. In Ontario practice the debate proceeds really on the original motion and the amendment at the same time and the questions are put to the House at the end of the debate, first the amendment and then the main motion as amended if the amendment carries or in its original form if not.

Such Government Resolutions usually are for the purpose of ordering some specific action and if carried result in that action being taken; they do not merely seek to obtain an expression of the opinion of the House as is usually the case with a Private Members' Resolution.

When dealing with government motions references must again be made to the fact that any motion whether it be for a Bill, Resolution or otherwise which calls for the expenditure or allocation of public funds or the imposition of a tax may only be introduced by a Minister of the Crown and then only when recommended by a message from the Lieutenant Governor.

Referring again to amendments to such Resolutions there can be an amendment to the main motion and an amendment to the amendment but no further; although, except for the Budget motion, when an amendment to the amendment has been defeated another such amendment to the amendment may be moved. In the case of the Budget motion from prior to Confederation until recent years only one amendment was permitted to the Budget motion and no amendment to the amendment. However, by the present Standing Orders an amendment to the amendment is permitted but if and when it is defeated no other amendment to the amendment may be moved.

When it comes to voting on such motions and amendments any amendment to the amendment is put first and then the amendment either as amended or in its original form depending on the first vote and finally on the main question again either amended or in its original form.

An excellent example of a substantive motion by the government to accomplish a specific object is the motion for Interim Supply. At one time this motion was considered routine and was

moved under the Routine Proceedings without notice. By modern practice however it is considered substantive and requires notice. It provides for the payment of accounts pending the voting of supply and by our present Standing Orders is for a period not exceeding six months.

Closure

This is the method by which the majority may bring to an end a debate which it feels is being unnecessarily protracted or is being used to block the passage of a Bill or Motion indefinitely. The procedure was formerly known as "The Previous Question". The Previous Question in the United Kingdom and to a lesser extent in Ottawa is a different procedure which in the opinion of the writer is unnecessary.

The Ontario Standing Order provides that a Member on properly obtaining the floor may move the closure motion, the form of the motion being "That the question be now put". The Ontario procedure is very simple and very direct. The motion is not debatable and the Speaker must immediately put the question "Shall the question be now put?" If this motion is carried the Speaker must then put the original question without any other amendment or further debate. Of course if the closure motion is defeated the debate on the original question continues as if no motion had been made. The original question is not superseded to be revived at a future date as is the case in the Federal House.

Time Allocation Motions or "The Guillotine"

This is a procedure which has been used in the Parliament of the United Kingdom for a great many years and adopted by the House of Commons of Canada some years ago. However, it was not used in Ontario until 1982. On that occasion Members of the Opposition contended that the motion was not in order as there was no provision for it in the Ontario Standing Orders. The Speaker properly ruled that the motion was in order. It is an ordinary substantive motion for which no special provision is necessary and not only was there no provision in the Standing Orders of the United Kingdom when it was first used but there is still no provision for the motion itself. The only provision in

the United Kingdom Standing Orders is to place a limit on the debate on such a motion and the preceding Standing Order provides for the division of the allotted time between the various parties by the business committee if such provision is not made in the motion itself but it is emphasized that there is no provision spelled out in the Standing Orders for the motion itself.

The second time it was used in Ontario was during the same Session of 1982-83 on February the 15th, 1983. At that time it was again suggested that the motion was out of order as it was not spelled out in our Standing Orders and Mr. Speaker dealt with the question at considerable length; the major part of his ruling is important to quote verbatim as follows:

I think it is fair to say that the only matter I can deal with, in fact am empowered to deal with, is whether or not the motion as presented is in order. That was the objection which was raised originally by the Member for Renfrew North.

I have listened, quite obviously with a great deal of attention, to the arguments for and against the proposition that the motion was not in order. I think it is fair to say that the arguments in support of the proposition that it is out of order amount to this: as our Standing Orders do not specifically make provision for such a procedure it means that it cannot be properly entertained. I think that was the message that came across.

The point was made by the Member for Riverdale and I think he effectively refuted this argument in his reference to Erskine May's *Parliamentary Practice*. One of the citations which he used is at the top of page 454 of the 19th edition, the most recent edition, of May's text in which it was stated, "The allocation of limited amounts of time to the stages of bills and occasionally other kinds of business forms no part of the general procedure of the House but is applied in each case to a particular bill, or several bills jointly, or other specified business by a special order". It is such a special order, indeed, that this motion seeks. I have carefully examined the citations in May during the dinner hour and I find that, as the honourable Member has pointed out, not only was there no precedent in the British Standing Orders for this procedure at

the time it was first used, but the first Standing Order relevant to the procedure, by the best information I could find, was passed in 1967. It was the same as the present rule of the House of Commons of Canada. However, after it was used only three times, in 1971 it was redrafted to the present form as we know it today, and referred to as Standing Order 44.

Even today, Standing Order 44 does not provide for this procedure, it simply curtails the debate on such motion. Standing Order 43 makes provision for the business committee to divide the allotted time and how it, in fact, is to be allocated, if this has not been done by the motion itself. In other words, the Standing Orders recognize the existence of the procedure and lay down the mechanics for its application.

Another point that was made was the contention that the Government Notice of Motion No. 10 last December was the first time that an allocation motion had been moved in this House and this point was made by various Members. It was first raised by the Member for Renfrew North and then again by the Member for York South and others. While it is true this was the first occasion on which such an allocation of time was moved for the procedure of this House, there have been many occasions on which the House by its order has imposed time limits on considerations of Bills, and other business in standing and select committees, and I see no difference in principle between the two.

I refer again to the submission of the Member for Riverdale in which he set out three conditions from *May's* text — this was referred to as well by other Members — to which he alleged I must direct my mind in deciding whether or not this is in order. With respect, I would suggest that these three conditions are conditions which the Government must address its mind to in deciding whether or not to make use of this procedure, not the Speaker.

My responsibility, as I said before, is simply to decide whether or not there is anything in our Standing Orders or precedents to preclude such a motion, and I can find no such provision. It is a recognized Parliamentary procedure in the United Kingdom, and indeed our own House of Commons, as well

as most other Parliamentary jurisdictions. It is a motion which the minister has the right to move, upon proper notice, and I am unable to find any basis on which it should be treated in any different way than any other substantive motion.

I find the point of order raised by the Member for Renfrew North is out of order.

Briefly the effect of the motion is to allot time limits to various stages of a Bill or when a committee must report or any such time limitation on debate or other procedure.

Written Questions

Realistically, this subject should not be in the chapter dealing with motions but as it is so brief and the procedure so very similar, it was felt that it could be an addendum to this chapter.

The same rules that apply to oral questions also apply to these questions, that is no argument or opinion may be expressed nor may any fact be stated unless it is the basis of the question and as in oral questions and motions no preambles are permitted. For the general rules and precedents pertaining to questions see the section on *Oral Questions* in a previous chapter.

The special rules applying to written questions are that the Minister is required to answer within 14 days unless he indicates that he requires more time because the answer will be costly or time consuming or that he declines to answer. In such a case a notation is made in the *Orders and Notices* paper following the question indicating that the Minister has made an interim answer the approximate date that the information will be available or that the Minister has declined to answer as the case may be. The answers to these questions are tabled with the Clerk of the House by the Government House Leader and the question and answers published in the official report of debates (Hansard).

If an answer is of very lengthy and voluminous nature the Clerk shall make it a return and if a Minister is of the opinion that the answer to a written question will be of a voluminous nature he will require that it be made a motion for a return.

As is the case with motions the rule prohibiting preambles, arguments, statements of fact, etc. are much more strictly en-

forced than seems to be possible with oral questions. By the authority of the Speaker, the Clerks at the Table correct such irregularities in the notices of questions as they do with motions. Again, as with motions, if a Member is dissatisfied with the amendment of his question at the Table the matter is referred to the Speaker.

Notices

All notices of written questions and motions except for those exceptions mentioned in the Standing Orders must be laid upon the Table or filed with the Clerk of the House before 5:00 o'clock p.m. on any sitting day and printed in the *Orders and Notices* paper for the following sitting day.

CHAPTER VIII

PRIVATE MEMBERS' BUSINESS

Basically, Private Members' Business is the same as the bulk of government business, in that it consists mainly of Public Bills and substantive motions, usually called Resolutions. Under Ontario's existing Standing Orders however, the procedure on such Private Members' Business is laid out very fully and differs considerably from the government business.

The Ballot

Prior to the opening of or early in the First Session of a Parliament the Clerk of the House circulates a ballot form to each private Member. All those Members wishing to participate by way of Bill or Resolution in the Private Members' time must complete the ballot and return it to the Office of the Clerk. As they are received the ballots are put into ballot boxes by party. On the day when, according to the information printed on the ballot form, the ballots are to be counted, the boxes are opened in the presence of anyone wishing to attend and the Clerk proceeds to draw them, beginning with the Government party, followed by the Official Opposition and then the other party or parties in order of their numerical strength. This is done in rotation until all the ballots have been dealt with and the list for the Private Members' time is then made up in accordance with the order in which the ballots have been drawn. It should again be noted that the numerical strength of the party is not reflected in this draw; that is a party with twice as many Members as another party does not get two turns for one by the other party; the list is prepared strictly on a rotation basis.

Strictly in accordance with the Standing Orders this ballot should be held for each Session but this has not been followed since its inauguration. The first list is by Order of the House carried forward from Session to Session until it has been exhausted. This does seem somewhat unfair to new Members elected at by-elections as they can only be added at the end of the list instead of having the opportunity to participate in the luck of the draw. Another point worthy of note is that the order is

changed from time to time by order of the House on a motion by the Government House Leader, he having been requested to make the change by the Members concerned.

Notice

Every private Member may introduce as many Public Bills as desired and by the present Standing Orders as many Resolutions as wished. This was not always the case; before the present Standing Orders were adopted a Member could only have one Resolution in the Notices at one time which had to be disposed of before the Member could give notice of another. By the present practice in the Standing Orders such notices must be given no later than the Tuesday of the second week prior to the week in which the item will be debated and two weeks notice must be given to the Clerks at the Table of the item standing in the name of a Member, which the Member wishes to put forward when that Member's turn on the list is reached.

At the time of writing, the Procedure on Private Members' Business is fully set out in the Standing Orders of April 1986 in Standing Order 71.

Two special provisions pertain to Private Members' Business, should be mentioned:

1. No amendment may be made to any motion made under this procedure. This applies equally to a motion for Second Reading of a Bill or a motion for the adoption of a Resolution.
2. A Private Member's Bill given Second Reading is then carried on the *Orders and Notices* paper daily to be called by the Government House Leader.

It is worth repeating here that no private Member may introduce any Bill, Resolution, Motion or Address which would impose a tax or direct the allocation of public funds. The effect of this is that no money Bill may be introduced by a private Member nor may notice be given of a Resolution which if carried will have such an effect. However, when a private Member wishes to propose that a programme be implemented which would in-

volve such an expenditure the Member does so by inserting the words in his Resolution "In the opinion of this House the Government should" so that if carried it would merely express an opinion of the House which the Government could accede to or not in its discretion.

CHAPTER IX

SUPPLY

Until fairly recent years the voting of supply, that is, the passage of the estimates, took place entirely in the Legislative Chamber in what is known as Committee of Supply, being one of the two Committees of the Whole House. Until the 1960's the estimates were passed quite quickly, in a matter of a few days at the most, and on at least one occasion all at one night's sitting. Even by the 1950's it was not uncommon to pass the estimates of five or six ministries or departments as they were then called, in one day. At that time consideration consisted mainly of asking questions of the Minister with respect to the various "votes" which make up the estimates. Although speeches were sometimes made arising out of a contentious vote these were reasonably rare and did not have the effect of prolonging the Session beyond the usual eight to ten weeks. During the 1960's however, the practice grew up of conducting what really amounted to a whole series of mini-budget debates during which very few questions were asked so that by the Session of 1968-69 the consideration of the estimates stretched out into weeks and even months. This resulted in what has sometimes been referred to as the 13 month year as the Session opened on the 19th of November 1968 and prorogued on the 17th of December 1969, interrupted of course by normal recesses for the Christmas/New Year period, Easter, and the summer break. All parties realized that something had to be done to remedy this situation and eventually the House arrived at the present procedure whereby approximately half of the estimates are sent out to standing committees and the other half considered in Committee of Supply in the Legislative Chamber. Of those referred to standing committees some such as those of the Office of the Assembly and the Provincial Auditor are specifically ordered to be so referred by the Standing Orders of the House.

Another provision of the current Standing Orders which has assisted greatly in this area is the provision of time limits on the discussion. While there is a maximum total number of hours provided the actual time to be devoted to each set of estimates

is determined by order of the House on motion by the Government House Leader after consultation with the other House Leaders.

Procedure

As has been intimated in the foregoing part of this chapter, the procedure on Committee of Supply changes from time to time. If the Standing Orders as they exist at the present time were strictly followed some general discussion is permitted on the first vote following which the consideration should be strictly relevant to the vote. However, by today's practice and by unanimous consent the Committee very often agrees to have an overall policy debate without reference to any particular vote or item and having little or anything to do with Supply. At the end of the time allotted to the particular set of estimates the votes are then carried without comment. This procedure is used particularly with respect to estimates of some of the smaller ministries.

Interim Supply

The method of dealing with interim supply in the Ontario House and its history are rather interesting. I understand that many years ago when the budget motion was to go into Committee of Supply it was quite usual for the budget debate to be concluded and all the estimates passed before the end of the fiscal year so that no interim supply was necessary. Certainly, by the 1940's and probably for some years before that the practice was to bring in the estimates for consideration and before the end of the fiscal year to pass an interim supply motion providing for the payment of civil servant salaries and other necessary payments pending the voting of supply such payments to be charged to the proper appropriation when supply had been completely voted. For many years this motion was considered to be routine and was passed automatically without any debate in the House. In the 1960's Mr. Robert Nixon, the Member for Brant, instituted a debate on the motion principally on the contention that carte blanche should not be given to the government but rather that a reasonable time limit should be imposed. This became so well established a practice that the motion became a substantive one requiring proper notice and provision has been inserted into the Standing

Orders to that effect and providing that the motion shall be for a period not exceeding six months. In actual practice, for some time now the period covered by such motions is three months. The debates for some years seem to increase in length and to range over a wide field including many topics having little if anything to do with Supply. Even after this latter development the motion usually passed without difficulty when the debate had concluded. However, in 1981 the Opposition mounted a debate which effectively delayed the passage of the motion for interim supply beyond the date for which the House had previously granted interim supply. This resulted in the imposition of closure by the Government, a move which caused such turmoil in the House that it led to several expulsions and finally to a 10 minute adjournment for grave disorder. This adjournment was followed by two recorded votes on the Speaker's rulings with respect to alleged points of order, one on the closure motion and finally one on the interim supply motion itself. It is perhaps interesting that in 1985 on the 2nd of July, the first day that the newly installed Liberal government met the House, the Interim Supply motion to cover the period to October 31st was debated quite briefly in the one afternoon and then approved without a dissenting voice.

CHAPTER X

COMMITTEES

Committees of the Whole House

There are two Committees of the Whole House; the House sitting as a Committee to consider legislation clause-by-clause and the Committee of Supply. When the order is called for the House to resolve itself into either of these two Committees the Speaker leaves the Chair and the Mace is removed from the Table and placed on the hangers below the Table. The Clerk leaves his place at the head of the Table and his chair is taken by the Deputy Speaker who is also Chairman of the Committees of the Whole House, or his Deputy. The Committee then proceeds to deal with the business referred to it in a much more informal way than when the House is sitting with the Speaker in the Chair and the Mace on the Table.

The main difference in the procedure of these Committees when compared with the more formal procedure in the House itself is that Members may speak as often as they wish in Committee whereas in the House except for a right of reply to a Minister or Parliamentary Assistant who has moved Second or Third Reading of a Bill or who has moved the adoption of a government substantive motion or to a Member who has moved Second Reading of a Bill or the adoption of a Resolution during the time for Private Members' Business, Members may speak only once on any debate.

The more informal proceedings in Committee permits an exchange between the Minister or Parliamentary Assistant carrying the Bill or estimates, as the case may be, and the other Members of the House. Questions may be directed and answered in quite a free and easy manner so that a much closer examination into the provisions of a Bill or the estimates of a Ministry may be conducted.

As previously stated, there are the two distinct Committees of the Whole House. Dealing first with the examination of Bills, clause by clause, it should be noted that until a fairly recent time every Bill which successfully completed passage through the House

to and including Royal Assent had to go to Committee of the Whole House. It might previously have been considered by a standing or select committee, a procedure which is dealt with elsewhere in this volume, but consideration by Committee of the Whole House was a requisite. Under modern procedure, as provided in the Standing Orders, a Bill may skip over the Committee of the Whole House stage completely. When a Bill has received Second Reading the Speaker puts the question "Shall this Bill be ordered for Third Reading". If there is no dissenting voice it is so ordered but one expression of dissent is sufficient to send it to committee. It is at this point that it may be referred to a standing or select committee or to Committee of the Whole House, a procedure which again is dealt with more fully elsewhere. Similarly, when a Bill is reported back to the House from a standing or select committee the Speaker puts the question "Shall this Bill be ordered for Third Reading". In the absence of a dissenting voice it is so ordered but if there is not unanimity it then is ordered for Committee of the Whole House.

The procedure in this Committee has also been streamlined in recent times so that it is no longer necessary for the Chairman to call out every section number. He ascertains which is the first section to which any Member wishes to direct remarks or questions and carries all sections prior to that specified. In this way the Committee may leapfrog through the Bill dealing only with those sections to which the Members wish to address themselves.

It is fair to say that the majority of Bills passed in a Session, being of a routine nature, go direct from Second Reading to Third Reading without any committee consideration.

As mentioned, the other Committee of the Whole House is the Committee of Supply. Formerly all estimates were considered by this Committee but under the present Standing Orders and current practice less than half are so considered, the majority going out to standing committees.

Under modern procedure I think most Members will agree that the House spends more hours in Committee than it does sitting formally with the Speaker in the Chair but this was certainly not always the case. In the early days of the Mother of Parliaments in the United Kingdom there were no such bodies as committees. The Speaker was always in the Chair and the

Mace on the Table and the business was conducted in no other way. Then the committee system came into being and work was sent out to committees of Members to be dealt with and reported back. The Members still felt a sense of restriction imposed by the formal rules of procedure in the House until some parliamentary genius suggested that if the Speaker were to leave the Chair and the Mace be removed from the Table the whole House would then become a committee and could proceed under the more informal rules which the Members found so useful in the committees established to act outside the House.

Standing Committees

Until very recent years Standing Committees were appointed at the beginning of each Session to consider and report back on matters referred to them from time to time during the Session and lapsed when the Session prorogued. They very seldom if ever held meetings away from the precincts of the Legislature. The modern practice is quite different. Many standing committees are given authority to hold meetings from place to place in some case within the province and in others without limitation. Such committees are provided with budgets for this purpose and the cost of publication of notices of meetings and other expenses implicit in this procedure. Almost every Session some standing committees are authorized to continue after prorogation, to sit in the recess between Sessions to consider certain specific matters referred to them and to report back at the next Session. The rule that standing committees lapse on prorogation still applies to all standing committees not given this special authority.

Select Committees

These committees, known in some jurisdictions as special committees, are appointed to a specific task and when the final report of such a committee has been presented to the House the committee automatically lapses. However, it should be observed that the tasks given to some select committees are very onerous and time consuming so that the committee is renewed from Session to Session and even from Parliament to Parliament until its task is done; for example the Select Committee on Company Law continued from June of 1965 to November of 1981. Of course

the membership of that committee altered from time to time as a result of intervening general elections and other causes but it continued until it made its final report in 1981.

The authority given to any committee to sit during adjournment periods or the recess between Sessions was an innovation into parliamentary procedure many years ago and it is believed that the Ontario Legislature was responsible for this innovation.

Until the late 1950s or early 1960s, committees were usually clerked by members of the Press Gallery who were remunerated for this work. While this practice had worked reasonably well with select committees, active between Sessions, it was quite unsatisfactory for standing committees sitting during the Sessions. One year the new executive of the Gallery notified the Clerk that the Gallery did not wish to do this work officially in future as they felt it implied an obligation to the Government. However, individual members of the Gallery were left free to use their own discretion as to whether they wished to continue to be available for this work. As a result of this, it was decided to use persons from outside the House in these roles. Standing committees were for some time usually clerked by Ministry personnel, while select committees were most often clerked by people from outside the Civil Service altogether. The use of Ministry staff for standing committees did not prove too efficient as the persons and, of course, their interests, were more closely allied to their Ministries rather than the Legislature. As the work of the House, in general, and the work of the committees, in particular, increased, the Clerk was instructed to engage some assistants, not only for the work at the Table but particularly for the committee work. Work in both areas has, of course, increased remarkably of recent years and has led to the present staffing.

CHAPTER XI

RECORDED VOTES

Votes which are recorded in the *Votes and Proceedings* and finally in the *Journals* of the House are usually referred to as divisions. When the Speaker puts the question on a routine motion or any motion which he has good reason to believe will be passed without a dissenting voice he simply says "Shall the motion carry?" pauses to listen for any dissention and, if none, then says "Carried". Should there be any dissenting voice or voices however, or should the motion be one where it is apparent to the Speaker that there will be opposing votes the Speaker puts the question "All those in favour of the motion will please say aye" . . . "Those opposed will please say nay" . . . "In my opinion the Ayes have it" or as the case may be. As previously mentioned the words "In my opinion" are most important as the Speaker is only giving his own opinion based on the probabilities. If any Members require a recorded vote five must stand in their places to signify this desire. The Speaker then says "Call in the Members" and the division bells are turned on.

Method of Recording the Vote

The vote is recorded when the Whips return to the House indicating to the Speaker that the parties are ready to vote. The Speaker then asks that all those in favour of the motion will please rise. Starting with the Leader of the larger Party supporting the motion and then going straight along the front row back along the second row, then along the third row and finally a Clerk Assistant calls the Members' names as they rise and the Clerk checks them on a division plan. The Speaker then asks that all those opposed to the motion will please rise and the votes are recorded in the same manner by the Clerks at the Table. The Clerk of the House then advises the Speaker of the results of the vote. The Journals Clerk then transfers the vote to alphabetical lists for publication in the day's *Votes and Proceedings* and eventually in the *Journals* of the House. There are two exceptions to this; on motions to adjourn the House or the debate the names are not recorded but simply the numbers — the Ayes

so many, the Nays so many. In those cases the numbers voting on each side stand together and heads are counted as in the Committees of the Whole House.

Another exception that has come into usage in the last few years is when recorded votes are taken on items of Private Members' Business. The Members voting on each side are asked to all stand at once and to remain standing until their names are called. The name of the member who moved the motion is called first and then the names of members are called starting with the first row, from south to north and transgressing party lines. This practice has developed because the House considered that during votes on items of Private Members' Business party lines should not be recognized.

Votes in Committees of the Whole House

As above mentioned, in the Committees of the Whole House the Members on each side stand together and heads are counted. There is no record in the *Votes and Proceedings* or the *Journals*, even of the numbers, as only the report of the Committee when the Speaker returns to the Chair is printed.

Stacking Votes in Committees of the Whole House

The current Standing Orders provide that with unanimous consent divisions in Committees of the Whole House may be deferred, the Members called in once and all deferred divisions taken in succession. This procedure is commonly referred to as "Stacking".

Time Limits on Votes

As the bells are used to summon the Members to the Chamber for purposes other than voting the time limits on bells are dealt with in a very brief chapter immediately following.

CHAPTER XII

BELLS

As stated in the last paragraph of the preceeding chapter the bells which are commonly referred to as division bells are used for summoning the Members to the Chamber for purposes other than recording votes; for example, the bells are sounded for five minutes before the House meets each sitting day and turned off at the time of meeting.

As heretofore mentioned, when a quorum is called into question the bells ring for up to five minutes and the procedure is then as previously outlined.

Time Limits on Bells

Provision is made for the Official Opposition to move up to three want of confidence motions in the Session; the Third Party may move two and any other recognized Party one. On these motions under this Standing Order the bell to call in the Members for a vote rings for five minutes. This provision is in addition to the usual want of confidence amendments to the Motion for an Address in Reply to the Speech from the Throne, the amendments to the Budget motion and any other motion which the Government deems to be a matter of confidence. In these latter cases the five minute time limit does not apply.

The bells for votes on items of Private Members' Business are limited to five minutes; the division bell on a recorded vote on a motion that the House sit beyond the normal adjournment time is limited to fifteen minutes votes in Committee of the Whole House stacked as described in the preceeding chapter have the bells limited to 10 minutes and where the time for a vote has been pre-arranged by agreement of all parties the bells are limited to thirty minutes.

Other than those limitations outlined in this chapter there is no limit on the division bells calling in Members for a vote in the Legislative Chamber. The vote is taken when the Whips of each recognized party return signifying that the Parties are ready to vote. Until recent time a division seldom took more than 10

or 15 minutes. When the Speaker said "Call in the Members" and the division bells started to ring those Members in the House stayed in their seats and the Whips went out to round up the stragglers. Some years ago the practice developed to allow the bells to ring for a longer time to enable Members particularly Ministers whose offices were some distance from the Chamber to make their way to the Chamber. As a result Members already in the House developed a habit of leaving the Chamber when the bells started to ring and waiting until they received an indication that the Whips were prepared to return. This held up the progress of the business in the House to a marked degree.

The next development was that the use of the bells as a blocking device came into being, it is believed first in the Canadian House of Commons where on one occasion the bells were left ringing for many days. This was followed in Ontario where on one occasion in May of 1982 the division bells rang from a Friday morning until the following Monday afternoon.

In the House of Commons of the United Kingdom the maximum time for division bells was set by having a man walk from the furthest office from which a Member had to proceed to the Chamber and having him walk at an ordinary pace to the Chamber. It was found to take him eight minutes and that is the time set for a division in that House. Moreover, in the House of Commons of Canada, except as expressly provided in the Standing Orders, bells are limited to fifteen minutes.

It is suggested that the division bells were intended originally simply as a summoning device, not as a procedural weapon and a time limit of 10 or 15 minutes would seem ample for the Ontario House.

CHAPTER XIII

MINORITY PARLIAMENTS

There have been four minority Legislatures in Ontario since 1943. In the election of that year the Progressive Conservative Party under George Drew defeated the incumbent Liberal regime but did not have an overall majority in the House. The CCF, the precursor of the NDP formed the Official Opposition with the Liberals as Third Party. The Government carried on for approximately two years and then being defeated on a want of confidence motion an election was called at which the Government was returned with an overall majority.

In 1975, the Government of the day, the Davis Government, was re-elected but in a minority position. It carried on for two years and then chose to regard an opposition amendment to an important government Bill as a matter of confidence and asked the Lieutenant Governor for dissolution. At the following general election the Government Party did increase its support by a few seats but did not gain an overall majority. It then governed for the customary four year period before calling another election in 1981 at which it was returned with an overall majority.

In 1985, under a new Premier, the Honourable Frank Miller, a general election was again called resulting in a rather unusual division of the membership. The Government party was returned with 52 seats in the 125 seat Legislature; the Liberal Official Opposition obtained 48 seats with a slightly larger popular vote than the Government Party, the NDP holding the remaining 25 seats in the House.

In 1975 and 1977, the Government carried on by gaining the support of either one or in some cases both Opposition Parties for its measures on an individual basis. Following the 1985 election however, an action was taken by the two Opposition Parties which is unique in Ontario and perhaps in the Commonwealth. Before the new Legislature met the two Opposition Parties signed a written agreement outlining a programme of action and agreeing that at the earliest opportunity, namely the vote on the amendments to the motion for an Address in Reply to the Speech

from the Throne they would combine to bring down the Government as lacking the confidence of the House.

One of the items in the agreement was that if the Liberal Party were asked to form a government it would not ask for dissolution for at least two years and on their part the Third Party agreed that they would not seek to bring down the government for that period. This agreement of course has no legal status and was subject to being rescinded or broken by either Party at any time. It was simply a statement of intent.

CHAPTER XIV

DISSOLUTION

Perhaps this would not be an inopportune place to deal with the life of a Parliament, both statutory and customary. People in the media are obviously under the impression that the statutory life of a Parliament is five years from the date of the election. For example, it was said many times both on the air and in print in the fourth year of the Parliament elected in 1981 that another election had to be called by March 19th, 1986, the anniversary of the 1981 election. This conception is far from correct. Section 3 of the *Legislative Assembly Act* says "Every Legislature shall continue for five years from the 55th day after the date of the writs for the election and no longer, subject to being sooner dissolved by the Lieutenant Governor". The writs for the 1981 election were issued on February 2nd; therefore if not previously dissolved by the Lieutenant Governor the Legislature would dissolve on the 29th of March, 1986, but even then that does not mean that the election would have to be called immediately at that time. The dates for nomination and polling are set by the Lieutenant Governor in Council and section 4 of the *Legislative Assembly Act* says "There shall be a Session of the Legislature once at least in every year, so that twelve months do not intervene between the last sitting of the Legislature in one Session and its first sitting in the next," so that as long as the election is held in time to have a new Parliament meet within 12 months of the last day of sitting of the former Parliament that is all that is required. Consequently, if the House was actually sitting on the 29th of March 1986 it would only be necessary to hold the election in time to have the Members gazetted and sworn in so that the new Parliament could meet on the 28th of March, 1987. That is all that is required by statute.

In practice, it is fair to say that no government which hopes to retain power ever waits anything like the full statutory term before asking for dissolution and calling a general election. In Canadian jurisdictions, including the House of Commons of Canada, it is usual for the government to attempt to pick a favourable time approximately four years from the preceding

election; sometimes three and a half years, if conditions are favourable. Of course, as has been previously mentioned if a government in a minority situation feels that it is in position to gain a majority it will find a reason for bringing on an election no matter how short the term.

APPENDIX 1

STANDING ORDERS OF THE LEGISLATIVE ASSEMBLY OF ONTARIO

As in force at the time of publication

I. REGULATION AND MANAGEMENT OF THE HOUSE

1. (a) The Proceedings in the Legislative Assembly of Ontario and in all Committees of the Assembly, shall be conducted according to the following Standing Orders. [S.O. 1(a).]

Standing
Orders

(b) In all contingencies not provided for in the Standing Orders the question shall be decided by the Speaker or Chairman, and in making his ruling the Speaker or Chairman shall base his decision on the usages and precedents of the Legislature and Parliamentary tradition. [S.O. 1(b).]

Contingencies
unprovided
for

2. (a) The House shall meet on Mondays, Tuesdays, and Wednesdays at 1.30 p.m., and on Thursdays at 10.00 a.m., unless otherwise ordered. [Provisional.]

Meeting time

(b) The bells shall be rung for 5 minutes before the time appointed for the meeting of the House to summon the members. [Provisional.]

Bells

(c) The Speaker shall take the Chair at the time appointed on every day fixed for the meeting of the House and shall read the Prayers. [Provisional.]

Prayers

(d) The House shall not meet on New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, the day fixed for a civic holiday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day. When Canada Day falls on a Tuesday, the House shall not meet the preceding day. [Provisional.]

House not to
sit

3. (a) Except as provided in clause (c), and in Standing Order 30, at 6.00 p.m. on Mondays, Tuesdays, Wednesdays and Thursdays, the Speaker shall adjourn the House without motion until the next sitting day. [Provisional.]

Daily
adjournment

(b) Except as provided in Standing Order 71(f), at 12.00 noon on any day on which the House meets in the morning, the Speaker shall leave the Chair until 1.30 p.m. [Provisional.]

Recess

(c) The House may sit beyond the hours set out in clause (a) on the passage of a government motion for that purpose. The question on such motion shall be put forthwith and decided without amendment or debate; but such government motion shall not pass if 20 members stand in their places. However, if a recorded vote is requested, the division bell shall be limited to 15 minutes. [Provisional.]

Extension of
sitting

Members
seated while
Speaker
retires

(d) When the House adjourns, the members shall keep their seats until the Speaker has left the Chamber. [S.O. 4.]

Recall of
House

4. (a) Whenever the House stands adjourned, if it appears to the Speaker, on the advice of the government, that the public interest requires the House to meet at an earlier time, the Speaker may give notice that the House shall meet, and thereupon the House shall meet to transact its business as if it had been duly adjourned to that time. [Provisional.]

Speaker
unable to act

(b) In the event of the Speaker being unable to act owing to illness or other cause, the Deputy Speaker or the Deputy Chairman of the Committees of the Whole House shall act in the Speaker's stead for the purposes of this Standing Order. [Provisional.]

Quorum

5. (a) The presence of at least 20 members of the House, including the Speaker, is necessary to constitute a meeting of the House for the exercise of its powers. [S.O. 5(a).]

Adjournment
for lack of
quorum

(b) If at any time after Prayers, the Speaker's attention is drawn to the fact that a quorum is not present, the Speaker shall, upon determining that a quorum is not present, cause the bells to be rung until a quorum is present and, in any case, for no longer than 5 minutes. If a quorum is not present after the expiration of 5 minutes, the Speaker shall adjourn the House without question put until the next sitting day. The matter under consideration prior to the adjournment is deemed to be adjourned to a future sitting day. [Provisional.]

Idem

(c) When the House is sitting in Committee, if the Chairman's attention is directed to the apparent lack of a quorum, he shall proceed as provided in clause (b); however, if after making his count, there is still not a quorum, he shall report the matter to the Speaker, who shall repeat the same procedure. If on the Speaker's count, a quorum is present, the House shall again resolve itself into a Committee, otherwise, the Speaker shall adjourn the House until the next sitting. [amended, S.O. 5(c).]

Idem

(d) Whenever the Speaker adjourns the House for want of a quorum, the names of the members then present shall be recorded in the *Votes and Proceedings*. [Provisional.]

Expulsion of
strangers for
misbehaviour

6. Any stranger admitted to any part of the House or Gallery who misconducts himself, or does not withdraw when strangers are directed to withdraw, while the House or a Committee of the Whole House is sitting, may be expelled from the precincts of the House by the Serjeant-at-Arms, or anyone acting under his direction. [S.O. 6.]

7. All strangers may be excluded from the House or any committee thereof on a motion properly moved and adopted by the House or the committee, as the case may be. [S.O. 7.] Idem
8. (a) Except as provided in clause (b), no member of the House shall bring any stranger into any part of the House appropriated to the members of the House while the House, or a Committee of the Whole House, is sitting. [S.O. 8(a).] No strangers on floor, etc. during sittings
- (b) When the House is sitting in Committee of Supply or in Committee of the Whole House to consider Bills, the minister whose Estimates are being considered, or the minister or parliamentary assistant in charge of a Bill being considered by Committee of the Whole House, may occupy a seat in the front row of the House and may have up to three staff members seated in front of him to supply information to the minister or parliamentary assistant as required. [S.O. 8(b).] Exception for staff for committees of Whole House
9. The Speaker shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the House, which shall not be subject to debate. In explaining a point of order, or practice, he may state the applicable Standing Order or authority. [S.O. 9.] Speaker to preserve order
10. In the case of grave disorder arising in the House, the Speaker or the Chairman may, if he thinks it necessary to do so, adjourn the House or a Committee without motion, or suspend any sitting for a time to be named by him. [S.O. 10.] Adjournment for disorder
11. The Speaker shall not take part in any debate before the House and shall not vote except in case of a tie, when the Speaker shall give a casting vote. [S.O. 11.] Speaker does not debate
Casting vote in tie
12. (a) The Deputy Speaker, in the absence of the Speaker, shall assume the duties of the Speaker and shall otherwise assist and relieve the Speaker as directed by him; and is the Chairman of the Committees of the Whole House. [S.O. 12(a).] Deputy Speaker's duties
- (b) A Deputy Chairman of Committees of the Whole House shall be appointed for each Session to relieve the Chairman and to take the Speaker's chair when called upon. In the absence of both the Speaker and the Chairman, the Deputy Chairman shall assume the duties of the Speaker and appoint a chairman *pro tem*. [S.O. 12(b).] Deputy Chairman
13. Before the adjournment of the House on each Thursday during the Session, the Government House Leader shall announce the business for the following week. [S.O. 13.] Business for ensuing week
14. "*Orders and Notices*" paper means the paper printed and distributed on any one day. [S.O. 14.] Orders and Notices paper

Money Bills,
etc. require
message from
Lieutenant
Governor

15. Any Bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds, shall not be passed by the House unless recommended by a message from the Lieutenant Governor, and shall be proposed only by a minister of the Crown. [S.O. 15.]

Sitting and
Sessional day
defined

16. The term "sitting" means a period of two and one-half hours, and the term "Sessional day" means any day on which the House sits. [S.O. 16.]

Date to sit
after recess

17. The Government House Leader shall announce the approximate date upon which the Assembly will be reconvened prior to the adjournment for recess. [S.O. 17.]

II. PRIVILEGE

Privileges

18. (a) Privileges are the rights enjoyed by the House collectively and by the members of the House individually conferred by the *Legislative Assembly Act* and other Statutes, or by practice, precedent, usage and custom. [S.O. 18(a).]

Taken up
immediately

(b) Whenever a matter of privilege arises, it shall be taken into consideration immediately. [S.O. 18(b).]

III. RULES OF DEBATE

Rising to
speak
English
or French

19. (a) Every member desiring to speak must rise in his place and address himself to the Speaker, in either English or French. [S.O. 19(a).]

Order of
speaking

(b) When two or more members rise to speak, the Speaker shall call upon the member who, in his opinion, rose first in his place; no debate is permitted on the Speaker's decision, but a motion may be made that any member who has risen "be now heard", or "do now speak". [S.O. 19(b).]

Members
called to
order

(c) A member called to order shall sit down, but may afterwards explain. The House, if appealed to, shall decide on the case, but without debate. If there be no appeal, the decision of the Speaker shall be final. [S.O. 19(c).]

Matters out of
order in
Debate

(d) In debate, a member shall be called to order by the Speaker if he:

1. Speaks twice to a question, except in explanation of a material part of his speech in which he may have been misunderstood, in which case he may not introduce new matter.
2. Directs his speech to matters other than:—
 - (i) the question under discussion, or

- (ii) a motion or amendment he intends to move, or
 - (iii) a point of order.
- 3. Persists in needless repetition or raises matters that have been decided during the current Session.
- 4. In the opinion of the Speaker, refers at length to debates of the current Session, or reads unnecessarily from verbatim reports of the *Legislative Debates* or any other document.
- 5. Anticipates any matter already on the *Orders and Notices* paper for consideration.
- 6. Reflects upon any previous vote of the House unless it is his intention to move that it be rescinded.
- 7. Refers to any matter that is the subject of a proceeding,
 - (i) that is pending in a court or before a judge for judicial determination, or
 - (ii) that is before any quasi-judicial body constituted by the House or by or under the authority of an Act of the Legislature,

where it is shown to the satisfaction of the Speaker that further reference would create a real and substantial danger of prejudice to the proceeding.
- 8. Makes allegations against another member.
- 9. Imputes false or unavowed motives to another member.
- 10. Charges another member with uttering a deliberate falsehood.
- 11. Uses abusive or insulting language of a nature likely to create disorder.
- 12. Speaks disrespectfully of Her Majesty or any of the Royal Family, or the Governor General, or the Administrator of Canada, or the Lieutenant Governor, or the Administrator of the Province.
- 13. Introduces any matter in debate that in the opinion of the Speaker offends the practices and precedents of the House. [S.O. 19(d).]

Comments on
speeches

20. (a) Following the speech of each member, a period not exceeding 10 minutes shall be made available, if required, to allow members to ask questions and comment briefly on matters relevant to the matters before the House and to allow responses thereto, in the following circumstances:

- (i) debate on second reading of a government Bill, but no such 10-minute period shall be allowed following the reply allowed to the minister or parliamentary assistant who has moved second reading of the Bill;
- (ii) debate on third reading of a government Bill, but no such 10-minute period shall be allowed following the reply allowed to the minister or parliamentary assistant who has moved third reading of the Bill;
- (iii) debate on the Address in Reply to the Speech from the Throne, but no such 10-minute period shall be allowed following the speeches of the mover and the seconder of the motion for the Address, the speeches of the members speaking first on behalf of the Official Opposition and the other recognized Opposition Parties, and the speeches of the members winding up the Throne Debate for each recognized Party;
- (iv) debate on the Budget motion, but no such 10-minute period shall be allowed following the presentation of the Budget by the Treasurer, the speeches of the members speaking first on behalf of the Official Opposition and the other recognized Parties, and the speeches of the members winding up the Budget Debate for each recognized Party; and
- (v) debate on a motion for Interim Supply. [Provisional.]

Reply

(b) In asking a question or making a comment with respect to the matters set out in clause (a), no member shall speak for more than 2 minutes. Two minutes shall be reserved for the reply of the member originally speaking. [Provisional.]

Naming a
Member

21. (a) If a member on being called to order for an offence against any Standing Order persists in the offence, the Speaker may direct him to discontinue his speech, and if such member refuses to resume his seat, the Speaker shall name him to the House. [S.O. 20(a).]

Expulsion
after naming

(b) When a member is named by the Speaker, if the offence is a minor one, the Speaker may order the member to withdraw for the balance of the day's sittings; but if the matter appears to the Speaker to be of a more serious nature, he shall put the question on motion being made, no amendment, adjournment or debate being allowed, "that such member be suspended from the service of the House", such sus-

pension being for any time stated in the motion not exceeding 2 weeks. [S.O. 20(b).]

(c) When a member has been named by the Chairman when the House is sitting in Committee, the Chairman shall forthwith suspend the proceedings of the Committee and report the circumstances to the House and the Speaker shall then proceed as in clause (b), as if the offence had been committed in the House itself. [S.O. 20(c).] Idem

(d) If any member who is suspended from the service of the House refuses to obey the direction of the Speaker when summoned under the Speaker's Order by the Sergeant-at-Arms, the Speaker shall call to the attention of the House that force is necessary in order to compel obedience and any member named by him as having refused to obey his direction shall thereupon, without any further question being put, be suspended from the service of the House during the remainder of the Session. [S.O. 20(d).] Suspension
for Session
when force
necessary

22. When the question under discussion does not appear on the *Orders and Notices* paper, or has not been printed and distributed, any member may require it to be read at any time of the debate, but not so as to interrupt a member while speaking. [S.O. 21.] May require
question read
when not
printed

IV. CONDUCT OF MEMBERS

23. No member is entitled to vote upon any question in which he has a direct pecuniary interest, and the vote of any member who has such an interest shall be disallowed. [S.O. 22.] Member with
pecuniary
interest may
not vote

24. (a) Members shall remain in their places and refrain from interrupting the Speaker when he is putting a question to the House. [S.O. 23(a).] Conduct
generally

(b) When a member is speaking, no other member shall interrupt him, except on a question of order. [S.O. 23(b).] Idem

(c) Members shall take care not to pass between a member who is speaking and the Chair, or between the Chair and the Mace. [S.O. 23(c).] Idem

25. If a member's election is questioned, he shall withdraw during debate thereon. [S.O. 24.] Withdraws
when election
questioned

V. ROUTINE PROCEEDINGS

26. The routine proceedings before the Orders of the Day are as follows: Order of
routine
proceedings

Members' Statements

Statements by the Ministry and Responses

Oral Questions

Petitions

Reports by Committees

Motions

Introduction of Bills [Provisional.]

Members' Statements

- Length 27. (a) A member, other than a Leader of a recognized Party in the House or a minister of the Crown, may be recognized to make a statement for not more than one and one-half minutes. [Provisional.]
- Duration (b) The period for "Members' Statements" shall be limited to 10 minutes. [Provisional.]
- Rotation (c) Members shall be recognized as follows: the Official Opposition first, followed by other recognized Opposition Parties in order of their membership in the House and finally the Government, and then in rotation, starting with the Official Opposition, until the time provided in clause (b) has expired. [Provisional.]

Statements by the Ministry and Responses

- Subjects 28. (a) A minister of the Crown may make a short factual statement relating to Government policy, ministry action or other similar matters of which the House should be informed. [Provisional.]
- Duration (b) The time allotted to ministerial statements shall not exceed 20 minutes without the unanimous consent of the House. [Provisional.]
- Copies to Opposition (c) Two copies of each ministerial statement shall be delivered to Opposition Party Leaders, or their representatives, at or before the time the statement is made in the House. [S.O. 26(b).]
- Background information (d) After any policy statement the minister shall table a compendium of background information. [S.O. 26(c).]
- Opposition comments (e) Following ministerial statements a representative or representatives of each of the recognized Opposition Parties in the House may comment for up to a total of 5 minutes for each Party commencing with the Official Opposition. [Provisional.]

29. (a) The Oral Question Period shall be limited to 60 minutes, including supplementary questions and points of order. Questions on matters of urgent public importance may be addressed to the ministers of the Crown but the Speaker shall disallow any question which he does not consider urgent or of public importance. If in the opinion of the minister or the Speaker the question requires a lengthy answer, either the minister or the Speaker may require it to be placed on the *Orders and Notices* paper as a written enquiry of the Ministry. The minister may take an oral question as notice to be answered orally at a later sitting but where any reserved answer requires a lengthy statement, the statement shall be given under "Statements by the Ministry and Responses". [S.O. 27(a).]
- Time for
Must be
urgent
Lengthy
questions and
answers
- (b) The order of oral questions shall start with 2 questions from the Leader of the Opposition, followed by 2 questions each from the Leader or Leaders of the other Opposition Parties in order of their membership in the House; all Parties shall then rotate in questioning, starting with the Official Opposition. [S.O. 27(b).]
- Order of
Questions
- (c) If a member so wishes, he may give notice of an oral question directly to the minister concerned. [S.O. 27(c).]
- May give
notice
- (d) In the discretion of the Speaker, a reasonable number of supplementary questions arising out of the minister's reply to an oral question may be asked by any members. [S.O. 27(d).]
- Supple-
mentary
questions
- (e) In putting an oral question, no argument or opinion is to be offered nor any facts stated, except so far as may be necessary to explain the same; and in answering any such question, the member is not to debate the matter to which it refers. [S.O. 27(e).]
- No arguments
or opinions
- (f) A minister to whom any oral question is directed may refer the question to another member who is a member of a board or commission to which the question applies. [S.O. 27(f).]
- Minister may
refer question
to colleague
- (g) Parliamentary assistants may direct questions to ministers other than their own. [S.O. 27(g).]
- Questions by
Parliamentary
Assistants
- (h) Parliamentary assistants may answer for their ministers only when authorized by the Premier. [S.O. 27(h).]
- Answering
for Minister
- (i) A minister may, in his discretion, decline to answer any question. [S.O. 27(i).]
- Minister may
decline to
answer
30. (a) The Speaker's rulings relating to oral questions are not debatable or subject to appeal. However, a member who is not satisfied with the response to an oral question, or who has been told that his question is not urgent or of public importance, may give notice orally at the end
- May not
appeal rulings
Notice of
questions for
adjournment
proceedings

of the Question Period that he intends to raise the subject-matter of his question on the adjournment of the House and must give written notice to the Speaker not later than 4.00 p.m. the same day and file reasons for dissatisfaction with the Clerk-at-the-Table before 5.00 p.m. [amended, S.O. 28(a).]

Proceedings
on
adjournment

(b) Where notice has been given and reasons filed, as provided in clause (a), at 6.00 p.m. on any Tuesday or Thursday, the Speaker may, notwithstanding Standing Order 3, deem that a motion to adjourn the House has been made, whereupon the matter in question may be debated for not more than 10 minutes, 5 minutes to be allowed to the member raising the matter and 5 minutes to the minister or to his parliamentary assistant to reply if he so wishes. Where there are several such matters to be debated the total time allowed for the debates shall not exceed 30 minutes, at which time the Speaker shall deem the motion to adjourn to be carried and shall adjourn the House to the next Sessional day. [amended, S.O. 28(b).]

Undertakings
by Ministers

(c) Undertakings by ministers may be debated on adjournment and the same provisions as to notice, reasons and limitations apply as in the case of other adjournment debates. [S.O. 28(c).]

Selection
of matters to
be raised

(d) When more than one notice has been given under this Standing Order, the Speaker shall decide the order in which the matters are to be raised, having regard to the order in which notices were given, to the urgency of the matters raised, and to the apportionment of the opportunities to debate the matters among members of the various Parties in the House. [S.O. 28(d).]

Questions
to be
announced

(e) Not later than 5.00 p.m. on any Tuesday or Thursday, the Speaker shall indicate the matter or matters to be raised at the time of adjournment that day. [S.O. 28(e).]

Suspension
of adjournment
proceedings

(f) When the House continues to sit past 6.00 p.m., on a government motion as provided in Standing Order 3, the adjournment proceeding under this Standing Order shall not apply. [amended, S.O. 28(f).]

Petitions

Presentation

31. (a) A petition to the House may be presented at any time during the Session by a member filing it with the Clerk of the House or in the manner set out in clause (b). [S.O. 29(a).]

Idem

(b) A member may present a petition from his place in the House during the routine proceedings under the proceeding "Petitions". He shall endorse his name thereon and confine himself to a statement of the petitioners, the number of signatures and the material allegations. [S.O. 29(b).]

- (c) Petitions may be either written or printed and only the original, properly signed, and addressed to the Lieutenant Governor and the Legislative Assembly may be presented. [S.O. 29(c).] Form
- (d) Petitions must not be signed by a solicitor as such, unless he is acting for a petitioner unable to sign due to absence from the Province or illness, and only then if the solicitor holds a Power of Attorney to be produced to the Clerk of the House if required. [S.O. 29(d).] May not be signed by solicitor
Exceptions
- (e) Members presenting petitions are answerable that they do not contain any improper matter. [S.O. 29(e).] Members responsible for contents
- (f) No petition shall be received that prays for any expenditure, grant or charge on the public revenue, whether payable out of the Consolidated Revenue Fund, or out of moneys to be provided by the House. [S.O. 29(f).] No petitions for expenditure of public funds
- (g) Every petition that is in order shall be brought to the Table and read by the Clerk if required. [S.O. 29(g).] Procedure
- (h) No debate shall be allowed on the presentation of a petition, unless it complains of some urgent personal grievance requiring immediate remedy, in which case it may be taken into consideration immediately. [S.O. 29(h).] Idem
- (i) The Ministry shall provide a response to a petition within 2 weeks of its presentation. [S.O. 29(i).] Response within two weeks

Reports by Committees

32. (a) Reports of standing or select committees on Bills shall be taken into consideration immediately. [S.O. 30(a).] Reports on Bills
- (b) Other committee reports shall be presented to the House by the chairman with a brief statement from the chairman only, and where a report includes a request for consideration by the House, or where such consideration is requested by a petition of 20 members filed with the Clerk, a government order shall be placed on the *Orders and Notices* paper for consideration by the House. [S.O. 30(b).] Other reports
Procedure
- (c) When presenting a report the chairman of a standing or select committee may move the adoption of the report if it contains a substantive motion. After moving the adoption of the report the chairman may make a brief statement and then shall adjourn the debate. The adjourned debate shall be carried on the *Orders and Notices* paper daily to be called by the Government House Leader in the same manner as government orders. [S.O. 30(c).] Adjournment of motion for adoption

Response to reports (d) Within 120 days of the presentation of a committee report as provided in clauses (b) and (c), the Government shall, upon the request of the committee, table a comprehensive response. [Provisional.]

Routine Motions

Types 33. Under the proceeding, "Motions", the Government House Leader may move routine motions that are part of the technical procedure of the House, such as for times of meeting and adjournment of the House, changes in membership of committees and similar non-substantive motions. These routine motions do not require notice. [amended, S.O. 31.]

Introduction of Bills

Motion for 34. (a) Every Bill shall be introduced upon a motion for leave for introduction and first reading, specifying the title of the Bill, no notice being required. [amended, S.O. 32(a).]

No debate on introduction (b) The motion for introduction and first reading shall be decided without amendment or debate, but in the case of a public Bill, the mover may make a brief explanation of its purposes. [S.O. 32(b).]

Compendium and consolidation (c) On the introduction of a Government Bill, a compendium of background information shall be delivered to the Opposition critics. If it is an amending Bill, an up-to-date consolidation of the Act or Acts to be amended shall be delivered to the Opposition critics unless the Bill amends an Act amended previously in the Session. [S.O. 32(c).]

Form (d) No Bill may be introduced in blank or imperfect form. [S.O. 32(d).]

VI. ANNUAL REPORTS AND OTHER SESSIONAL PAPERS

Time for presenting statutory reports 35. (a) Ministers shall present all reports required by statute within 6 months of the close of the reporting period unless reasons for delay are given to the House. [S.O. 33(a).]

Idem (b) The statutory annual report of each ministry and of all boards and commissions and other agencies reporting to each minister for the immediate past reporting period, shall be presented to the House before the consideration of the minister's Estimates unless reasons are given to the House for non-compliance. [amended, S.O. 33(b).]

Deemed permanently referred to committee (c) Statutory annual reports provided for in clause (b) shall be deemed to have been permanently referred to the appropriate standing committee. [Provisional.]

Method of presenting (d) Reports, returns and other documents required to be laid before the House by any Act of the Assembly or under any Standing Order or

Resolution of the House, or that any minister wishes to present to the House, may be deposited with the Clerk of the House, whether or not on a sitting day, and such report, return, or other document shall be deemed for all purposes to have been presented to or laid before the House. A record of any such document shall be entered in the *Votes and Proceedings* on the day it is filed except that where it is filed on a day that is not a sitting day, it shall be entered in the *Votes and Proceedings* of the next sitting day. [S.O. 33(d).]

(e) The minister concerned shall distribute copies of all reports to all members of the House and copies of any background material to the Opposition critics. [S.O. 33(e).]

Distribution
and back-
ground
material

36. (a) A motion that the House discuss a sessional paper other than a committee report requires notice. No amendment may be made to such a motion. [S.O. 33a.(a).]

Motion to
discuss
Sessional
Paper .

(b) When a motion for discussion of a sessional paper is moved, one member from each of the Parties in the House may state the position of his Party with respect to the motion for not more than 5 minutes. [S.O. 33a.(b).]

Debate of
Motion

(c) If the motion passes, an Order shall be placed on the *Orders and Notices* paper for discussion of the sessional paper by the House. [S.O. 33a.(c).]

Order for
Discussion

(d) During the discussion, no motion relating to the sessional paper may be moved. [S.O. 33a.(d).]

No motions

VII. EMERGENCY DEBATES

37. (a) Following the routine proceedings and before the Orders of the Day on an afternoon sitting, any member may move to set aside the ordinary business of the House to discuss a matter of urgent public importance requiring immediate consideration. [Provisional.]

Motions to
discuss urgent
public matters

(b) The Speaker shall then rule whether or not the motion is in order based on the following criteria:—

Conditions
precedent

- (i) the member proposing the motion shall give written notice of the motion to the Speaker at least 2 hours before the afternoon sitting of the House;
- (ii) not more than one such motion may be made at the same sitting;
- (iii) not more than one matter may be discussed on the same motion;

(iv) the motion must not revive discussion on a matter that has been discussed in the same Session under this Standing Order;

(v) the motion must not raise a question of privilege; and

(vi) the discussion under the motion must not raise any question that, according to the Standing Orders of the House, can only be debated on a distinct motion under notice. [Provisional.]

Arguments

(c) If the Speaker determines that the motion is in order, the member proposing the motion may state his arguments in favour of his motion in not more than 5 minutes. One member from each of the other recognized Parties in the House may state the position of his Party with respect to the motion in not more than 5 minutes. [Provisional.]

Question put

(d) The Speaker shall then put the question, "Shall the debate proceed?", to a vote of the House. [Provisional.]

Procedure when motion carried

(e) If the House determines by its vote to set aside the normal business of the House to discuss a matter of urgent public importance, each member who wishes to speak in the discussion shall be limited to 10 minutes, and the debate shall conclude when all members who wish to take part have spoken or at the hour of 6.00 p.m., whichever shall be first. [Provisional.]

VIII. MOTIONS TO ADJOURN THE HOUSE OR THE DEBATE

Motion to adjourn House or debate

38. (a) Subject to clause (c) of Standing Order 32, a motion to adjourn the House or the debate may not be moved until after the Orders of the Day or Notices of Motion have been entered upon except by unanimous consent of the House. Such motions do not require notice. [amended, S.O. 35(a).]

Limitation on adjournment motions

(b) When a motion for the immediate adjournment of the House has been defeated, no other such motion shall be made unless some intermediate proceeding has taken place. [S.O. 35(b).]

Not debatable

(c) A motion for the adjournment of a debate or of the House during any debate, or for the Chairman of a committee to report progress, or to leave the Chair, is not debatable. [S.O. 35(c).]

IX. CLOSURE

Motion for Closure

39. A motion for closure, which may be moved without notice, until it is decided shall preclude all amendment of the main question, and shall be in the following words:— "That this question be now put". Unless it appears to the Chair that such motion is an abuse of the Standing Orders of the House or an infringement of the rights of the minority, the question shall be put forthwith and decided without amendment

or debate. If a motion for closure is resolved in the affirmative, the original question shall be put forthwith and decided without amendment or debate. [amended, S.O. 36.]

X. SUBSTANTIVE MOTIONS

40. (a) A substantive motion is one that is not incidental to any other business of the House, but is a self-contained proposal capable of expressing a decision of the House. Examples of such motions are: the motion for an Address in Reply to the Speech from the Throne, the Budget motion, want of confidence motions in allotted sittings, resolutions, motions for returns or addresses, and motions for the appointment of committees. [S.O. 37(a).]

Definition

(b) Prorogation of the House shall not have the effect of nullifying an Order or Address of the House for returns or papers, but all papers and returns ordered at one Session, if not complied with during the Session, shall be brought down during the following Session without renewal of the Order. [S.O. 37(b).]

Order or Address for returns does not lapse on Prorogation

(c) Such motions require notice and must be submitted to the Speaker in writing when moved, before being put to the House for debate. [amended, S.O. 37(c).]

Notice required

(d) No motion shall be prefaced by recitals or preambles. [S.O. 37(d).]

No preambles, etc.

41. Except in the case of a motion that a certain member do take the Chair of the House as Speaker, a motion for an Address in Reply to the Speech from the Throne and the Budget motion, no motion or amendment shall be required to be seconded before the question thereon is proposed from the Chair. [Provisional.]

Motions requiring seconder

42. Whenever the Speaker is of the opinion that a motion offered to the House is contrary to the Rules and Privileges of Parliament, he shall apprise the House thereof immediately, before putting the question thereon, and may quote the rule or authority applicable. [S.O. 38.]

Speaker to advise House when motion out of order

43. No motion, or amendment, the subject-matter of which has been decided upon, can be again proposed during the same Session. [S.O. 39.]

May not renew motion, etc. once decided

44. A member who has given notice of or moved a motion may withdraw the same. [S.O. 40.]

Withdrawal

XI. GOVERNMENT BUSINESS

45. Except as otherwise provided in these Standing Orders, government business will be taken up in the discretion of the Government House Leader or a minister acting in his place. [S.O. 41.]

Order of business

Eight days
allotted

46. There shall be not fewer than 8 Sessional days allotted to the debate on the motion for an Address in Reply to the Speech from the Throne and amendments thereto, and the debate shall be completed before the presentation of the Budget. [S.O. 42.]

Supply

Budget
motion and
presentation

47. (a) The Budget motion, upon proper notice, shall be moved by the Treasurer following the completion of the debate on the motion for an Address in Reply to the Speech from the Throne, and amendments, and in so doing the Treasurer shall present the Budget and Budget papers. [S.O. 43(a).]

Amendments

(b) Only an amendment and an amendment to the amendment may be moved to the Budget motion. [S.O. 43(b).]

Committee
of Supply

48. On the day of the presentation of the Budget an Order shall be placed on the *Orders and Notices* paper for "House in Committee of Supply". [S.O. 44.]

Estimates
presentation

49. (a) All main Estimates shall be presented to the House not later than 5 days following the presentation of the Budget. [S.O. 45(a).]

Time for
considera-
tion

(b) There shall be a total of 420 hours allotted for consideration of all Estimates whether in Committee of Supply or standing committees, and following consultation by the House Leaders the Government House Leader shall announce the allocation of time for each set of Estimates. [S.O. 45(b).]

Half to
Standing
Committees

50. (a) Approximately half the Estimates shall be referred to standing committees including the Office of the Assembly, the Office of the Provincial Auditor, the Office of the Chief Election Officer, the Office of the Commission on Election Contributions and Expenses and the Office of the Ombudsman, and no Estimates shall be considered in such a committee while any matter relating to the same policy field is being considered in the House. [S.O. 46(a).]

Estimates
Committees

(b) Not more than 2 standing or select committees shall consider Estimates at the same time concurrent with the House, and only one committee may meet on Estimates if such is required by 20 members standing in their places. [S.O. 46(b).]

Remainder to
Committee
of Supply

(c) Any Estimates not referred to standing committees shall be considered in Committee of Supply and it shall be the duty of the chairman to record the time spent in consideration of each set of Estimates. [S.O. 46(c).]

- (d) When the Committee of Supply has completed the time allotted to it under Standing Order 49(b), the Chairman shall put all questions necessary to carry every vote and item of each Estimate reserved to the Committee and not yet passed by it and such questions are not debatable. [S.O. 46(d).] Completion of consideration in Committee of Supply
51. The order in which Estimates are to be considered shall be determined in rounds through the House Leaders, the Official Opposition first, followed by other Opposition Parties in order of their membership in the House, and finally the Government, until all Estimates are allocated, and Estimates shall, as far as is practicable, be grouped in the Committee of Supply or standing committees according to policy fields. [S.O. 47.] Order of consideration of Estimates
52. Once the order in which Estimates are to be considered is determined under the provisions of this Standing Order, that order may be changed either by substantive motion, upon notice, or by unanimous consent. [S.O. 47a.] Changes in Order of Estimates
53. (a) Before a minister's Estimates are considered he should provide advance briefing material to the Opposition critics in a format to be determined by him and where possible he should also provide the latest Estimates of actual expenditures in the preceding fiscal year. [S.O. 48(a).] Briefing material etc.
- (b) The chairman of a committee considering Estimates shall apportion the time available among the minister, Opposition critics and other members. [S.O. 48(b).] Timetable for consideration
- (c) Latitude shall be permitted to Opposition critics on the first item of the first vote of each set of Estimates, and thereafter members shall adhere strictly to the Vote and item under consideration. [S.O. 48(c).] Relevancy
54. (a) There shall be an Order for concurrence placed on the *Orders and Notices* paper respecting each set of Estimates reported from standing committees, and the Order may be debated at a later sitting but the debate shall be confined to one sitting and no amendment to the question may be moved, such debates to be in the House with the Speaker in the Chair and subject to the normal Standing Orders respecting debates in the House. [S.O. 49(a).] Concurrence debates
- (b) The time taken up for debates under clause (a) shall be deducted from the 420 hours provided in clause (b) of Standing Order 49. [S.O. 49(b).] Time for
55. A motion for Interim Supply requires notice and shall be for a period not exceeding 6 months. [S.O. 50.] Interim Supply
56. Management Board Orders shall be printed in *The Ontario Gazette*, with an explanation of significant variances from printed Estimates. [S.O. 51.] Management Board Orders and Special Warrants

mates and a summary of Special Warrants shall be tabled on the first sitting day following the issue of the Warrants. [S.O. 51.]

Public Bills

When notice
required

57. No notice is required for motions for second or third reading of Bills or for hoist motions, such motions being ancillary; but a motion for a reasoned amendment to a motion for second or third reading does require notice. [amended, S.O. 52.]

Printed
before second
reading

58. (a) The Order of the Day for second reading of a Bill shall not be called until the Bill has been printed and distributed and marked PRINTED on the *Orders and Notices* paper. [S.O. 53(a).]

Second
reading
delayed for
reasoned
amendment

(b) A Bill shall not be called for second reading if the Clerk of the House is notified by 12.00 noon of the Sessional day following its introduction of intention to give notice of a reasoned amendment to the motion for second reading, if the notice is filed with the Clerk by 12.00 noon of the second day following introduction. [S.O. 53(b).]

Idem

(c) If notice is filed as provided in clause (b), the Order for second reading shall not be called before the third Sessional day following introduction, but if the notice is not filed as provided, the notice of intention shall lapse and the Order for second reading may be called at the discretion of the Government House Leader. [S.O. 53(c).]

Not
considered in
Committee if
same policy
field in House

(d) No Bill shall be considered in any standing or select committee while any matter relating to the same policy field is being considered in the House. [S.O. 53(d).]

Question on
reasoned
amendment
or hoist
motion

59. (a) If a reasoned amendment or a hoist motion is offered to a motion for second or third reading, the first question proposed by the Speaker is whether the Bill will NOW be read a second or third time, as the case may be. If this question is decided in the affirmative, the Bill shall immediately be read the second or third time. [S.O. 54(a).]

When
amendment
put

(b) If the question in clause (a) is decided in the negative, the Speaker shall then put the proposed amendment to the House and at that time, but not before, an amendment to the amendment may be offered. [S.O. 54(b).]

Reply closes
debate

60. A reply is allowed to the minister or parliamentary assistant who has moved second or third reading of a Bill, after all members wishing to speak to the motion, and any amendments thereto, have spoken and the Speaker shall inform the House that the reply closes the debate. [S.O. 55.]

Two readings
before
committal

61. (a) Every Public Bill shall be read twice in the House before committal or amendment. [S.O. 56(a).]

- (b) When a Bill has received second reading it may, by unanimous consent, be ordered for third reading. [S.O. 56(b).] Third reading
by consent
- (c) If such unanimous consent is refused, the Bill will be referred to Committee of the Whole House or to a standing or select committee, as the minister or parliamentary assistant designates; but if 20 members stand in their places such references shall be to a standing or select committee. [S.O. 56(c).] Committal
62. If a motion to recommit a Bill is opposed, no member shall speak thereon for a longer period than 10 minutes. [S.O. 87.] Time limit on
recommittal
debate
63. When a Bill is referred to a standing or select committee after second reading, it shall not be considered in committee until at least 5 days after the referral, unless a waiver of this interval has been granted on the request of the minister or parliamentary assistant; but no such waiver shall be granted if 20 members register their objection by standing in their places. [S.O. 57.] When to be
considered in
committees
64. When time permits, amendments proposed to be moved to Bills in any committee shall be filed with the Clerk of the House at least 2 hours before the Bill is to be considered, and copies of such proposed amendments shall be distributed to all Parties. [S.O. 58.] Amendments
in committee
65. (a) The chairman of a committee considering a Bill shall initial each section of the Bill as it is passed and sign the Bill. [amended, S.O. 75(a).] Bills initialed
and signed by
Chairman
- (b) Amendments shall be clearly indicated in the signed copy, and the amendments or additions shall be initialed by the chairman. [S.O. 75(b).] Amendments
66. (a) Bills reported from the Committee of the Whole House shall stand ordered for third reading and Bills reported from standing or select committees shall, by unanimous consent, also be ordered for third reading; but an Order for third reading may, on motion, be discharged by the House and the Bill referred back to a committee. [S.O. 59(a).] Bills reported
by
Committees
- (b) When a Bill has been amended in any committee it shall be reprinted as the Clerk of the House directs, amendments being indicated, and shall not be further proceeded with until it has been reprinted and marked REPRINTED on the *Orders and Notices* paper. [S.O. 59(b).] Amended Bill
reprinted
- (c) When a Bill that is reported from a standing or select committee is referred to the Committee of the Whole House, it shall not be taken up earlier than the second day after the referral. [S.O. 59(c).] Whole House
consideration
after Standing
or Select
Committee
Report

Procedure in
Committee of
Whole House

67. When a Bill is considered by the Committee of the Whole House, the Chairman shall inquire whether any comments, questions or amendments are to be offered and to which sections and will call only such sections. If no sections are so designated, the Bill shall be reported as a whole. [S.O. 60.]

Three
Readings for
all Bills
passed
Certified by
Clerk

68. (a) No Bill shall pass unless it receives 3 readings, and the date of each reading shall be certified on the Bill by the Clerk of the House. [S.O. 61(a).]

Not more
than one
stage per day
if opposed by
20 members

(b) A Bill shall not pass more than one stage on one day if opposed by 20 members standing in their places. [S.O. 61(b).]

Government Motions

Reply to
substantive
motion

69. When a debate arises on any government substantive motion, the minister or parliamentary assistant who moved it has a right of reply and the Speaker shall inform the House that such reply closes the debate. [S.O. 62.]

XII. NON-CONFIDENCE MOTIONS

Want of
confidence
motions

70. (a) In any Session, upon proper notice, the Official Opposition is entitled to not more than 3 motions of want of confidence in the Government; the Third Party is entitled to not more than 2 such motions, and any other recognized Party to one. [S.O. 63(a).]

Time for
debate

(b) Debate on a motion under clause (a) shall be at a time allotted by agreement of the House Leaders and restricted to one sitting, including an allowance of 10 minutes for taking the vote, for which purpose the Speaker shall interrupt the proceedings and put the question without further debate. [S.O. 63(b).]

Five minute
bell

(c) If a recorded vote is requested, the division bell shall be limited to 5 minutes. [S.O. 63(c).]

No
amendment

(d) No amendment may be made to a motion under this Standing Order. [S.O. 63(d).]

XIII. PRIVATE MEMBERS' PUBLIC BUSINESS

Time for

71. (a) Unless otherwise ordered, each Thursday during the Session, the House will meet in the morning for the consideration of private members' public business. On such a day, the routine proceedings shall be at 1.30 p.m. [Provisional.]

Only two
items per day

(b) There shall be not more than 2 items of private members' public business taken up on any one day, the time being divided equally between the two. [S.O. 64(b).]

(c) Time in debate shall be allotted to Parties in rotation, with the mover having up to 20 minutes and other speakers up to 10 minutes, except as required to give effect to clause (j). [S.O. 64(c).]

Time
allotment for
debate

(d) The order for consideration of the items of business for each Party shall be determined by a ballot conducted by the Clerk prior to or at the commencement of each Session in which all private members may enter their names for the draw. [S.O. 64(d).]

Ballot

(e) A Bill or Resolution shall not be voted upon if,

How votes
blocked

(i) A petition objecting to a vote, signed by one-third of the members, is filed with the Speaker not later than 48 hours before the debate; in which case the names of the objectors filing the petition shall be recorded in the *Votes and Proceedings* of the day following the filing. [S.O. 64(e)(i).]

(ii) Twenty members stand in their places when the question is about to be put. The names of those members objecting will be reported in *Votes and Proceedings* for that day. [S.O. 64(e)(ii).]

(f) No question shall be put to the House before 12.00 noon. At that time the votes on items on which a vote has not been blocked under clause (e) shall be taken. If a recorded vote is requested by 5 members, the division bell shall be limited to 5 minutes. The House will sit until the necessary votes been completed at which time the Speaker shall leave the Chair until 1.30 p.m. [Provisional.]

Votes not
blocked
Five minute
bell
Recess

(g) Private members' public Bills given second reading shall be carried on the *Orders and Notices* paper daily to be called by the Government House Leader in the same manner as Government Orders. [S.O. 64(g).]

On Order
Paper daily
after second
reading

(h) At least 2 weeks' notice must be given for any item to be considered in the private members' time and all Bills to be debated must be introduced or notices of resolutions tabled not later than the Tuesday of the second week prior to the week in which the item is to be debated. [S.O. 64(h).]

Notices

(i) There shall be no adjournment of the debate on any item of private members' public business. [S.O. 64(i).]

No
adjournment
of debate

(j) The mover of any item of business under this Part may, in his discretion, reserve any part of the time allotted to him, for a reply, and the Speaker shall end debate by other members in sufficient time to permit the time to be used for this reply. [S.O. 64(j).]

Reply

(k) No amendment may be made to a motion under this Standing Order. [S.O. 64(l).]

No
amendment

Referral to
Committee

(l) Notwithstanding Standing Order 61(c), private members' public Bills given second reading shall stand referred to the Committee of the Whole House, unless referred to a standing or select committee by a majority of the House. [S.O. 64(m).]

XIV. PRIVATE BILLS

Application
requirements

72. (a) Any person, group or corporation may make an application for a Private Bill by filing with the Clerk of the House,

- (i) a copy of the Bill;
- (ii) a fee of \$150; and
- (iii) a declaration proving publication of the notices referred to in clause (e). [Provisional.]

Printing costs

(b) Every applicant for a Private Bill shall pay,

- (i) the cost of printing the Bill at all of its stages including reprinting if it is amended; and
- (ii) the cost of printing the Act in the annual Statutes. [Provisional.]

Suspension
charges

(c) Where, at the request of the applicant, a Standing Order is suspended with reference to a Private Bill, a charge of \$50 shall be levied. [Provisional.]

Remission of
fees
Waiver of
printing costs

(d) Where a Private Bill relates to a charitable organization within the meaning of the *Income Tax Act* (Canada), the Standing Committee on Regulations and Private Bills may recommend that the fee paid under clause (a) be remitted and, if the recommendation is approved by the House, the remitted fee shall be applied to reduce any costs payable under clause (b) and the Committee may, having regard to the circumstances, recommend that all or part of the costs payable under clause (b) be waived and, if the recommendation is approved by the House, the costs shall be waived. [Provisional.]

Notice
published

(e) Notice of an application for a Private Bill shall be given before it is read a first time by publishing the notice once a week for at least 4 weeks in each of *The Ontario Gazette* and one newspaper circulated in the municipality most affected and the notice shall,

- (i) be signed by or on behalf of the applicant;
- (ii) clearly state the nature and object of the application;
- (iii) when the application refers to any proposed work, indicate generally the location of the work;

- (iv) where the application is by a municipal corporation for authority to issue debentures, set out the particulars of the existing debenture debt and the amount of the rateable property of the municipality according to the last revised assessment roll of the corporation and in brief and general terms, the object for which the new issue of debentures is required; and
 - (v) state that any person who has an interest in the application and who wishes to make submissions for or against the application when it is considered by the Standing Committee on Regulations and Private Bills should notify the Clerk of the House in writing. [Provisional.]
 - (f) Notice of an application for a Private Bill is valid for the calendar year in which the last notice is published and until the first day of July in the next following calendar year. [Provisional.] Period notice valid
 - (g) Where, Continued in next Session
 - (i) an application for a Private Bill is made during a Session but the Bill is not read a first time; or
 - (ii) a Private Bill is read a first time but is not considered by the Standing Committee on Regulations and Private Bills before dissolution or prorogation,
- the application shall be considered during the next regular Session of the House without publishing further notice of the application and without payment of additional fees under clause (a). [Provisional.]
73. The Clerk of the House shall refer to the Standing Committee on the Legislative Assembly any application that, in his opinion, does not comply with the Standing Orders. [amended, S.O. 66(b).] Reference of application to Legislative Assembly Committee
74. When any Private Bill confirming any letters patent or agreement is presented to the House, a copy of the letters patent or agreement shall be included in the Bill. [amended, S.O. 67.] Letters patent, etc.
75. No Private Bill relating to the status of a corporation shall be considered by the Standing Committee on Regulations and Private Bills until there has been deposited with the Clerk of the House a certificate of the Minister of Revenue showing that all taxes payable under the *Corporations Tax Act* in respect of the corporation have been paid. [amended, S.O. 68.] Certificate of Minister of Revenue
76. (a) Every Private Bill when read a first time, shall, unless it is an Estate Bill or a Bill providing for a consolidation of a floating debt or for the consolidation or renewal of debentures, other than local improvement debentures, of a municipal corporation, stand referred to the Standing Committee on Regulations and Private Referral

Bills and all Petitions and correspondence to the House for or against the Bill stand referred to the Committee. [amended, S.O. 69.]

Compendium (b) No Private Bill shall be given first reading unless a compendium of background information has been deposited with the Clerk of the House by the applicant. [Provisional.]

Idem (c) The compendium required under clause (b) shall cite the precedents, if any, used in drafting the Private Bill and shall contain an up-to-date consolidation of existing legislation that is amended by the Bill. [Provisional.]

Compendium guidelines (d) The Standing Committee on Regulations and Private Bills may adopt guidelines related to the form and content of the compendium required by clause (b). [Provisional.]

Amendment of existing Private Act (e) Where the purpose of a Private Bill application is to amend a section of an existing Private Act or the Private Bill would have the effect of amending a section of an existing Private Act, the Private Bill shall re-enact the section in its entirety. [Provisional.]

Certain municipal applications referred to O.M.B. 77. (a) Every Private Bill or part of a Bill of a municipal corporation providing for the consolidation of a floating debt, or the consolidation or renewal of debentures (other than local improvement debentures) stands referred to the Ontario Municipal Board after first reading. [S.O. 70(a).]

Report (b) The Board, after due enquiry, shall report to the House whether or not it is reasonable that the Bill, or that part thereof relating to the matters referred to in clause (a), should pass and what, if any, alterations are necessary. [amended, S.O. 70(b).]

O.M.B. report sent to Clerk (c) A report of the Ontario Municipal Board shall be transmitted to the Clerk of the House. [amended, S.O. 70(c).]

Bill and Report to Committee (d) The Bill and report shall stand referred to the Standing Committee on Regulations and Private Bills. [amended, S.O. 70(d).]

Estate Bills referred 78. (a) Every Estate Bill or part of a Bill that contains an Estate Bill provision stands referred to the Commissioners of Estate Bills after first reading. [S.O. 71(a).]

Report of Commissioners (b) The Commissioners of Estate Bills, or any two of them, shall report their opinion on the Bill or the part thereof that has been submitted to them, and whether, presuming the allegations contained in the Preamble to be proven to the satisfaction of the House, it is reasonable for the Bill or the part thereof to pass and what, if any, alterations are necessary. [S.O. 71(b).]

- (c) A report of the Commissioners of Estate Bills shall be transmitted to the Clerk of the House. [S.O. 71(c).] Report sent to Clerk
- (d) Where the Commissioners of Estate Bills report that, in their opinion, it is not reasonable that the Bill or the part thereof submitted to them pass into law, the Bill or the part thereof shall not be further considered. [S.O. 71(d).] Effect of adverse report
- (e) Where the Bill or the part thereof submitted to the Commissioners of Estate Bills is reported favourably by the Commissioners, the Bill and the report shall stand referred to the Standing Committee on Regulations and Private Bills and where only part of a Bill is submitted to the Commissioners and the Commissioners report that, in their opinion, it is not reasonable that the part pass into law, the Bill shall stand referred to the Standing Committee on Regulations and Private Bills and the Committee shall amend the Bill by deleting therefrom the part to which the report relates. [amended, S.O. 71(e).] Bill and report to Committee
79. The Clerk of the House shall post on all notice boards 5 calendar days' notice of the date on which any Private Bill is to be considered by the Standing Committee on Regulations and Private Bills and the notice shall be published in the *Orders and Notices* paper. [amended, S.O. 72(a).] Notice of Committee Hearings
80. Any person whose interest or property may be affected by a Private Bill, when required, shall appear before the Standing Committee on Regulations and Private Bills to express his consent or objection, or may consent in writing, proof of which may be demanded by the Committee. [amended, S.O. 73.] Consent of Interested Person
81. Private Bills when reported by the Standing Committee on Regulations and Private Bills shall be placed on the *Orders and Notices* paper for second reading. [amended, S.O. 74.] On Orders and Notices paper after report
82. Private Bills amended by a committee may be reprinted before further consideration, as the Clerk of the House may direct. [amended, S.O. 76.] Reprinting of amended Bills
83. Private Bills, after second reading, shall be ordered for third reading, unless specially ordered referred to the Committee of the Whole House. [S.O. 77.] Referral after second reading
84. Except when waived by unanimous consent of the House, notice is required for a motion to dispense with any Standing Order relating to Private Bills. [Provisional.] Notice required to dispense with Standing Order
85. A Private Bill Register shall be kept in the office of the Clerk of the House, in which shall be entered the name, description, and place of residence of the parties applying for the Bill, or of their agent, and all Private Bill Register

the proceedings thereon, such register to be open to public inspection daily, during office hours. [S.O. 79.]

Parliamentary
Agents

86. (a) Every parliamentary agent conducting proceedings before the House is personally responsible to the House and to the Speaker for the observance of the Standing Orders and practices of Parliament, and also for the payment of all fees and charges. [S.O. 80(a).]

Misconduct of
Agents

(b) Any parliamentary agent who wilfully acts in violation of the Standing Orders and practices of Parliament, or who wilfully misconducts himself in prosecuting any proceedings before the House, is liable to an absolute or temporary prohibition to practise as a parliamentary agent, at the pleasure of the Speaker. [S.O. 80(b).]

Notice
published

87. The Clerk of the House shall publish weekly in *The Ontario Gazette* the following notice:

APPLICATIONS TO PARLIAMENT

PRIVATE BILLS

PUBLIC NOTICE

The rules of procedure and the fees and costs related to applications for Private Bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders may be obtained from:

The Office of the Clerk of the Legislative Assembly
Room 110, Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A2
Telephone: 416/965-1406
(Collect calls will be accepted.)

Deadline

Applicants should note that consideration of applications for Private Bills that are received after the first day of September in any calendar year may be postponed until the first regular Session in the next following calendar year. [Provisional.]

XV. WRITTEN QUESTIONS

Subject notice

88. (a) Questions seeking information from the Ministry relating to the public affairs of the Province may be placed by notice on the *Orders and Notices* paper. [S.O. 81(a).]

Notices dated

(b) Such notices shall be dated and where a member repeats an unanswered question in the ensuing Session, the date of the original notice shall be shown. [S.O. 81(b).]

(c) In putting any written question, no argument or opinion shall be offered nor any facts stated, except so far as may be necessary to explain the question. [S.O. 81(c).]

No arguments
or opinions

(d) The minister shall answer such written questions within 14 days unless he indicates that he requires more time because the answer will be costly or time-consuming or that he declines to answer, in which case a notation shall be made on the *Orders and Notices* paper following the question indicating that the minister has made an interim answer, the approximate date that the information will be available, or that he has declined to answer, as the case may be. [S.O. 81(d).]

Answers

Delayed
answers

Decline to
answer

(e) The answers to such written questions shall be given to the Clerk of the House who shall cause them to be printed in the official reports of the Debates, or if any such answers are of a lengthy and voluminous nature, the Clerk shall make them Returns. [S.O. 81(e).]

Answers in
writing

(f) If a minister is of the opinion that any written question under this Standing Order requires by way of reply any statement of facts, or records, or statistics of a lengthy or a voluminous nature, he may require it to be made a motion for a Return. [S.O. 81(f).]

Motion for
Return may
be ordered

XVI. NOTICES

89. All notices required by the Standing Orders of the House or otherwise, shall be laid on the Table or filed with the Clerk of the House before 5.00 p.m. and printed on the *Orders and Notices* paper for the following day. [S.O. 82.]

Method of
giving notice

XVII. COMMITTEES

90. Within the first 10 sitting days following the commencement of each Session in a Parliament the membership of the following standing committees shall be appointed for the duration of the Session:

Membership
appointed

(a) Standing Committee on Administration of Justice;

Standing
committees
listed

(b) Standing Committee on General Government;

(c) Standing Committee on Resources Development;

(d) Standing Committee on Social Development;

(e) Standing Committee on Finance and Economic Affairs which is empowered to consider and report to the House its observations, opinions and recommendations on the fiscal and economic policies of the Province and to which all related documents shall be deemed to have been referred immediately when the said documents are tabled;

Orders of
reference

- (f) Standing Committee on Government Agencies which is empowered to review and report to the House its observations, opinions and recommendations on the operation of all agencies, boards and commissions to which the Lieutenant Governor in Council makes some or all of the appointments, and all corporations to which the Crown in right of Ontario is a majority shareholder, such reviews to be made with a view to reducing possible redundancy and overlapping, improving the accountability of agencies, rationalizing the functions of the agencies, identifying those agencies or parts of agencies which could be subject to sunset provisions, and revising the mandates and roles of agencies;
- (g) Standing Committee on the Ombudsman which is empowered to review and consider from time to time the Reports of the Ombudsman as they become available; and, as the Committee deems necessary, pursuant to the *Ombudsman Act*, section 16(1), to formulate general rules for the guidance of the Ombudsman in the exercise of his functions under the Act; and, to report thereon to the Legislature and to make such recommendations as the Committee deems appropriate;
- (h) Standing Committee on the Legislative Assembly which is empowered to review on its own initiative or at the request of the Speaker or the direction of the House and to report to the House its observations, opinions and recommendations on the Standing Orders of the House and the procedures in the House and its committees; to advise the Speaker and the Board of Internal Economy, and to report to the House its observations, opinions and recommendations on the administration of the House and the provision of services and facilities to members; and to act as an advisory body to the Speaker and the House on the television broadcast system and to conduct reviews, at least on an annual basis, of the televising of the legislative proceedings and of the guidelines established by the House with respect to the television broadcast system;
- (i) Standing Committee on Public Accounts which is empowered to review and report to the House its observations, opinions and recommendations on the Report of the Provincial Auditor and the Public Accounts, which documents shall be deemed to have been permanently referred to the Committee as they become available; and
- (j) Standing Committee on Regulations and Private Bills to be the Committee to which all Private Bills, other than Estate Bills or Bills providing for the consolidation of a floating debt or renewal of debentures, other than local improvement debentures, of a municipal corporation, shall be referred

after first reading; and, to be the Committee provided for by section 12 of the *Regulations Act*, and having the terms of reference as set out in that section, namely: to examine the regulations with particular reference to the scope and method of the exercise of delegated legislative power without reference to the merits of the policy or objectives to be effected by the regulations or enabling statutes, but in so doing regard shall be had to the following guidelines:

- (1) Regulations should not contain provisions initiating new policy, but should be confined to details to give effect to the policy established by the statute;
- (2) Regulations should be in strict accord with the statute conferring of power, particularly concerning personal liberties;
- (3) Regulations should be expressed in precise and unambiguous language;
- (4) Regulations should not have retrospective effect unless clearly authorized by statute;
- (5) Regulations should not exclude the jurisdiction of the courts;
- (6) Regulations should not impose a fine, imprisonment or other penalty;
- (7) Regulations should not shift the onus of proof of innocence to a person accused of an offence;
- (8) Regulations should not impose anything in the way of a tax (as distinct from fixing the amount of a licence fee, or the like); and
- (9) General powers should not be used to establish a judicial tribunal or an administrative tribunal;

and, the Committee shall from time to time report to the House its observations, opinions and recommendations as required by section 12 (3) of the *Regulations Act*, but before drawing the attention of the House to a regulation or other statutory instrument the Committee shall afford the ministry or agency concerned an opportunity to furnish orally or in writing to the Committee such explanation as the ministry or agency thinks fit. [Provisional.]

- Authority 91. (a) Standing and select committees shall be severally empowered to examine, enquire into and report from time to time on all such matters as may be referred to them by the House. [Provisional.]
- Idem (b) Except when the House otherwise orders, each committee shall have power to send for persons, papers and things. [Provisional.]
- Idem (c) A standing or select committee to which a Bill has been referred by the House shall be empowered to report the same with or without amendments or to report that the Bill be not reported. [Provisional.]
- Select Committees 92. (a) Select committees of the House may be appointed for any purpose or to consider any matter referred to them. [amended, S.O. 88(a).]
- Motion to appoint (b) The motion to appoint a select committee may contain the names of the members proposed to be members of the committee and such motion is subject to amendment. [Provisional.]
- Membership (c) No standing or select committee shall consist of more than 11 members and the membership of such committees shall be in proportion to the representation of the recognized Parties in the House. [Provisional.]
- Substitution (d) Any member appointed to a standing or select committee may, at any time afterwards, be discharged by order of the House from attending the committee and another member appointed. [Provisional.]
- Temporary substitution (e) A temporary substitution in the membership of a standing or select committee may be made provided a notification thereof, signed by the member acting as the Whip of a recognized Party, is filed with the Clerk of the Committee either before or within 30 minutes of a committee meeting being called to order. [Provisional.]
- Committee Lists 93. The Clerk of the House shall post in the Legislative Building a list of members serving on each standing and select committee. [amended, S.O. 83.]
- Election of Chairman and Vice-Chairman 94. Within 10 sitting days following the appointment of the membership of the standing committees, the Clerk of the House shall convene a meeting of each standing committee for the purpose of electing a chairman and vice-chairman. [Provisional.]
- Chairmanships 95. (a) The chairmanships of the standing committees set out in Standing Order 90 shall be distributed in proportion to the representation of the recognized Parties in the House. [Provisional.]
- Exceptions (b) The chairman of the Standing Committee on Finance and Economic Affairs shall be a member of the Party forming the Government and the chairman of the Standing Committee on Public Accounts shall

be a member of the Party forming the Official Opposition. [Provisional.]

(c) Failing consensus on the distribution of the chairmanships of these standing committees, the recognized Parties in the House shall choose which committees they wish to be chaired by one of their own members in rounds, through the House Leaders, as follows: the Government first, followed by the Official Opposition and then the other recognized Opposition Parties in order of their membership in the House, and then in rotation until the distribution is completed according to the number of chairmen from each recognized Party as determined in clause (a). [Provisional.]

Contingency
selection
procedure

96. Each standing committee shall elect a chairman and a vice-chairman at its first meeting in each Session and, if necessary, during the course of a Session. [Provisional.]

Sessional
election of
Chairman and
Vice-
Chairman

97. Upon a written request signed by a majority of the members of a standing or select committee, the chairman of the committee shall convene a meeting of the committee within 10 sitting days following the receipt of such request by the Clerk of the Committee. The reasons for convening such a meeting shall be stated in the request. [Provisional.]

Meeting
convened
upon request

98. The Clerk of each standing and select committee shall attend each meeting of the committee and shall record the names of the members of the committee present at each meeting in the Minutes of Proceedings. [Provisional.]

Clerk to
attend
meetings

99. (a) A majority of the members of a standing or a select committee, including the chairman, shall constitute a quorum. [Provisional.]

Quorum

(b) Any committee may authorize the chairman to hold meetings to receive evidence when a quorum is not present. [Provisional.]

Meetings
without
quorum

(c) If at any time during the sitting of a standing or select committee the chairman of the committee is advised by a member of the committee that a quorum is not present, the chairman shall, upon determining that a quorum is not present, suspend the proceedings of the committee; if no quorum is present at the expiration of 10 minutes, the chairman shall adjourn the committee to the next scheduled sitting of the committee. [Provisional.]

Adjournment
for lack of
quorum

(d) Whenever the chairman of a standing or select committee adjourns the committee for want of a quorum, the Clerk of the Committee shall record the time of the adjournment and the names of the members then present in the Minutes of Proceedings. [Provisional.]

Idem

100. (a) Standing and select committees may be authorized by the House to meet on Monday evenings to hear submissions from the public, provided that the motion authorizing a committee to meet is made

Monday
evening
sittings

at the unanimous request of the committee and with the agreement of the House Leader of each of the recognized Parties in the House. [Provisional.]

Sitting
beyond 10.30
p.m.

(b) Except by unanimous consent of the committee, no standing or select committee authorized to meet in the evening may continue to sit beyond 10.30 p.m. when the House is in Session. [Provisional.]

Standing
Orders
observed in
committees
Exception

101. In any standing or select committee, the Standing Orders of the House shall be observed so far as may be applicable, except the Standing Orders limiting the number of times of speaking. [amended, S.O. 84(a).]

Chairman
maintains
order
Disorder
reported to
House

102. The chairman of a standing or select committee shall maintain order in the committee and decide all questions of order subject to an appeal to the committee; but disorder in a committee can only be censured by the House on receiving a report thereof. [amended, S.O. 84(b).]

Travel

103. (a) Standing and select committees may adjourn from place to place in Ontario. [Provisional.]

Staff

(b) Standing and select committees shall be severally empowered to retain the services of expert, professional, technical and clerical staff as may be deemed necessary. [Provisional.]

Budget

(c) Except with the written authorization of the Speaker, a standing or select committee shall not incur any expenses related to matters referred to in clauses (a) and (b) until a budget for such expenditures has been approved in whole or in part by the Board of Internal Economy. [Provisional.]

Annual
budget

104. (a) At the beginning of each fiscal year or as soon as possible thereafter, the Clerk of a standing or select committee shall prepare a budget at the direction of the committee, and the chairman of the committee, or a member acting for the chairman, shall present to the Board of Internal Economy for its approval in whole or in part, the budget adopted by a majority of the committee setting forth in reasonable detail estimates of its proposed expenditures for the fiscal year. [Provisional.]

Supple-
mentary
budget

(b) When the expenditures of any such committee have reached the limits set forth in any such budget, the chairman shall present to the Board of Internal Economy, for its approval in whole or in part, a supplementary budget or budgets. [Provisional.]

Clerk to
administer

(c) The Clerk of a standing or select committee shall administer and monitor the expenditures of any such committee and shall advise the committee if expenditures are likely to exceed the budget approved by the Board of Internal Economy. [Provisional.]

105. (a) Unless otherwise ordered, standing or select committees shall have the power to appoint sub-committees which shall have power to report from time to time to the committee. [Provisional.] Sub-com-
mittees
- (b) Every such sub-committee shall be appointed by motion, such motion specifying the terms of reference, the membership of the sub-committee and the number of members required to constitute a quorum. [Provisional.] Appointment
106. Any member of the House who is not a member of a standing or select committee may, unless the House or the committee concerned otherwise orders, take part in the public proceedings of the committee, but may not vote or move any motion, nor be part of any quorum. [Provisional.] Only
members may
vote or move
motion
107. On a division being called in the House, the chairman of a standing or select committee shall suspend the proceedings in the committee for such time as will in his opinion enable members to vote in the division in the House and return to the committee. [Provisional.] Division in
House
108. (a) When a division takes place in a standing or select committee, the Clerk of the Committee shall record in the Minutes of Proceedings the question proposed, the name of the proposer, and if requested by any member, the vote of each member present. [Provisional.] Divisions in
Committees
- (b) When members are called in for a division, there shall be a maximum wait of 20 minutes before the vote is recorded. [amended, S.O. 89(c).] Maximum
time
109. The chairman of a standing or select committee shall not vote except in the case of a tie, when the chairman shall give a casting vote. [Provisional.] Chairman's
casting vote in
tie
110. (a) The report of a standing or select committee is the report as determined by the committee as a whole or a majority thereof. [amended, S.O. 89(d).] Reports of
committees
- (b) No minority report may be presented to or received by the House. [amended, S.O. 89(d).] Idem
- (c) Every member shall be permitted to indicate in a report that he dissents from a particular recommendation or comment within the report. The committee shall permit a member to express the reasons for his dissent within its report. [Provisional.] Dissenting
opinion
- (d) The report as agreed to shall be signed by the chairman, on behalf of the committee, and shall be presented to the House by the chairman or by another member of the committee authorized by the chairman or the committee. [Provisional.] Report signed
by chairman

XVIII. COMMITTEES OF THE WHOLE HOUSE

House in
Committee

111. (a) When an Order of the Day is read for the House to resolve itself into a Committee of the Whole House, the Speaker shall leave the Chair without a question put, and the House shall thereupon resolve itself into a committee. [Provisional.]

Mace

(b) When the Speaker has left the Chair, the Mace shall be placed under the Table and the Chairman of the Committees of the Whole House shall take the Chair of the Committee at the Table. [Provisional.]

Standing
Orders
observed
Exception

112. The Standing Orders of the House shall be observed in Committees of the Whole House so far as may be applicable, except the Standing Orders limiting the number of times of speaking. [amended, S.O. 84(a).]

Chairman
maintains
order
Disorder
reported to
House

113. The Chairman shall maintain order in a Committee of the Whole House and decide all questions of order subject to an appeal to the House; but disorder in a Committee of the Whole House can only be censured by the House on receiving a report thereof. [amended, S.O. 84(b).]

May not
adjourn

114. A Committee of the Whole House may not adjourn its own sitting or the consideration of any matter to a future date, but this Standing Order shall not affect the application of Standing Order 10. [Provisional.]

Report
progress

115. A motion may be moved during the proceedings of a Committee of the Whole House that the Chairman report progress and ask for leave to sit again, and such question shall be put forthwith and decided without amendment or debate. [Provisional.]

Motion for
Chairman to
leave Chair

116. (a) A motion that the Chairman of a Committee of the Whole House leave the Chair is always in order and shall be put forthwith and decided without amendment or debate. [amended, S.O. 85(a).]

Procedure if
carried

(b) If such a motion is carried, further proceedings of a Committee of the Whole House on the matter or Bill then under consideration shall be superceded; but the matter or Bill may, on motion with notice, be revived and the proceedings shall be resumed at the point where they were interrupted. Such a motion shall not prejudice or in any way affect any other matters or Bills referred to the Committee of the Whole House. [Provisional.]

Motion
defeated

(c) If such a motion is defeated, no other such motion shall be made unless some intermediate proceeding has taken place. [amended, S.O. 85(b).]

117. It shall be an instruction to the Committee of the Whole House to which Bills may be committed that it has the power to make such amendments therein as it thinks fit, if they are relevant to the subject-matter of the Bill, but if any such amendments are not within the title of the Bill it shall amend the title accordingly and shall report the Bill to the House. [S.O. 86.]

Amendments
in Committee
of Whole
House

XIX. WITNESSES

118. (a) Witnesses summoned to a committee of the House, except a standing committee considering Private Bills, shall be paid a reasonable sum *per diem* and a reasonable allowance for travelling expenses, as fixed by the Speaker. [S.O. 93(a).]

Fees for
witnesses
summoned

(b) If a witness is required to attend more than 3 days, his attendance must be specifically ordered by the chairman for each additional period of 3 days as required. [S.O. 93(b).]

Further
attendance

XX. HANSARD

119. (a) A full Hansard service shall be provided for all committees considering Estimates. [S.O. 90(a).]

Hansard for
Estimates

(b) A tape recording only shall be made of all other standing committee proceedings unless a committee directs that a transcription be made of certain proceedings. [S.O. 90(b).]

Tape
recording

XXI. DIVISIONS

120. (a) When a voice vote has been taken on any question, a division may be required by 5 members standing in their places. [S.O. 94(a).]

How
requested

(b) When members have been called in for a division, there shall be no further debate. [S.O. 94(b).]

No further
debate

(c) When the members have been called in, the Speaker shall again put the question and every member present at that time, subject to Standing Order 11, shall record his vote. [S.O. 94(c).]

Members
present must
vote

(d) The names of the members voting on each side of the question shall be entered in the *Votes and Proceedings* and the *Journals*, except on motions to adjourn the House or the debate when the numbers only shall be entered. [S.O. 94(d).]

Recording
divisions

(e) Immediately after the vote, the pairs, if any, shall be declared, and shall be entered in the *Votes and Proceedings* and the *Journals*. [S.O. 94(e).]

Pairs

Limited
division bells

(f) Except as otherwise provided in the Standing Orders, where the time for a vote in the House is pre-arranged by agreement of all Parties, the division bell shall be limited to 30 minutes. [S.O. 94(f).]

Divisions in
Committees
of Whole
House

121. (a) On division in Committees of the Whole House, Standing Order 120 applies except that the division shall not be recorded in the *Votes and Proceedings* or the *Journals*. [S.O. 95(a).]

May be
deferred

Ten minute
bell

(b) With unanimous consent, divisions in Committees of the Whole House may be deferred. The members may be called in once and all deferred divisions taken in succession, and in such cases the division bell shall be limited to 10 minutes. [S.O. 95(b).]

XXII. OFFICERS AND SERVANTS OF THE HOUSE

Officers
complete
work of
Session

122. It is the duty of the permanent officers of the House to complete the work remaining at the close of the Session. [S.O. 96.]

Duties of
Clerk

123. The Clerk of the House shall have charge of all matters pertaining to the House and of legislation, under the direction of the Speaker. He shall be responsible for the safe keeping of all the papers and records of the House, and shall have direction and control of all the officers and clerks and all other employees of the House subject to such orders as he may from time to time receive from the Speaker or the House. [S.O. 97.]

Clerk of
Committees

124. The Clerk of the House shall appoint a clerk in his office whose duty it shall be under the Clerk's direction:—

- (a) To call together all standing and select committees of the House;
- (b) To keep a record of all reports required by statute which have been tabled, and those outstanding;
- (c) To keep the Private Bills Register;
- (d) To post on all notice boards a notice of all committee meetings for the following week and to send a copy of such notice to the Press Gallery;
- (e) To perform such matters of routine as may be assigned to him. [S.O. 98.]

Copy of
Orders and
Notices paper
on each desk

125. (a) Each morning, before the meeting of the House, the Clerk shall cause to be placed on the Speaker's Table and on the desk of each member a copy of the *Orders and Notices* paper for the day. [S.O. 99(a).]

(b) The Clerk shall see to the printing of the *Votes and Proceedings* and the *Journals* of the House and is responsible for the proper indexing of the *Journals*. [S.O. 99(b).]

Votes and
Proceedings
and
Journals

126. (a) The First Clerk Assistant and Assistant Clerks shall assist the Clerk of the House in his duties at the Table and elsewhere as may be directed by the Clerk. [S.O. 100(a).]

Assistant
Clerks

(b) In the absence of the Clerk of the House, the First Clerk Assistant shall, ex-officio, perform the duties of the Clerk, and in the absence of both the Clerk and the First Clerk Assistant, their duties shall be performed by the Assistant Clerks. [S.O. 100(b).]

Absence of
Clerk, etc.

127. The Office of the Legislative Counsel shall:—

Duties of
Legislative
Counsel

1. Prepare and advise upon such legislation as may be required by the Executive Council or any member thereof and assist and advise members in all matters respecting the drafting of Bills.
2. Revise, print and put marginal notes on all Public and Private Bills and generally be responsible for the correctness of all such Bills in their various stages.
3. Report to the Lieutenant Governor in Council any provisions in such Bills deserving of special attention or that appear to prejudicially affect the public interest or that require amendment.
4. Be present when required on the floor of the House when a Bill is in Committee of the Whole House and revise every such Bill before the third reading.
5. Provide assistance to the Administration of Justice Committee and to the Standing Committee on Regulations and Private Bills considering Private Bills.
6. Report to the Chairman of the Standing Committee on Regulations and Private Bills considering a Private Bill any provisions in the Bill which are at variance with general Acts on the subjects to which the Bill relates or with the usual provisions of Private Acts on similar subjects and any provisions deserving of special attention.
7. Report to the Clerk of the House any Bill or part thereof that should be referred to the Ontario Municipal Board or the Commissioners of Estate Bills under Standing Orders 77 and 78.

8. See to the preparation, printing and indexing of the annual Statutes.

9. Prepare and hand to the Clerk of the House messages respecting any sections of Bills that impose a tax or specifically direct the allocation of public funds. [amended, S.O. 101.]

Sergeant-at-Arms

128. The Sergeant-at-Arms attending the House shall be responsible for the safe keeping of the Mace, furniture and fittings thereof. [S.O. 102.]

Jurisdiction of Sergeant-at-Arms

129. The servants of the House and any security personnel within the precincts of the House shall be subject to the direction of the Sergeant-at-Arms. [S.O. 103.]

Absence of Sergeant-at-Arms

130. In case of the absence of the Sergeant-at-Arms, his duties shall be performed by any other person appointed by the Speaker. [S.O. 104.]

XXIII. LIBRARY

Director's report

131. (a) The management of the Library, including regulation of admission, Library hours, and security and preservation of the collection, is the responsibility of the Executive Director of the Legislative Library, subject to such special orders as he may receive from the House, and the Executive Director shall make an annual report to the House. [S.O. 105(a).]

Catalogue

(b) A catalogue of the books belonging to the Library shall be kept and the reports thereon included in the Executive Director's annual report. [S.O. 105(b).]

XXIV. DURATION

Period in effect

132. The Provisional Standing Orders shall be in effect during the period commencing at 12.01 a.m. on Tuesday, April 29, 1986, and concluding at 12.00 midnight on Thursday, December 18, 1986. [Provisional.]

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APPENDIX 2

PRECEDENTS OF THE LEGISLATIVE ASSEMBLY

1867-1987

INDEX

Containing:

**Rulings of the Speaker
Statements of the Speaker
Rulings of the Chairman of the Committees of the Whole
Other Precedents**

Prepared by the Office of the Clerk of the Legislative Assembly

EXPLANATORY NOTE

This index to the *Precedents of the Legislative Assembly* includes rulings and other material related to the procedure of the House up to the end of the 33rd Parliament which was dissolved on 31 July 1987.

The rulings and statements are grouped according to particular aspects of procedure, under appropriate headings and sub-headings. The headings also contain a number of cross-references to rulings found in other sections of the index. Many of the Speakers' rulings or statements are included because they illustrate various principles. For example, questions ruled out of order as not being supplementary do not constitute precedents, however they are useful in clarifying the way in which the Speaker's acknowledged prerogative to rule on other questions has been employed. The reference to each ruling, statement or precedent includes the date, reference source and the name of the occupant of the Chair.

This index is intended to make readily available and accessible to members and officers of the House some of the relevant body of precedent on which the Assembly relies to guide it in its conduct. Although every effort has been made to be complete and to summarize accurately the central point of each ruling and statement, the index should not be regarded as anything but a starting point for procedural research.

July, 1987

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ADDRESS

- 1.1 Address for return containing information beyond the jurisdiction of the Provincial Government ruled in order.
 - a) February 4, 1874. Journals, p.31. Wells.

ADJOURNMENT DEBATE

- 2.1 Notice of dissatisfaction must be sufficiently different from other notices.
 - a) November 28, 1972. Debates, pp.4911-4. Reuter.
- 2.2 Interpretation of Standing Orders relating to division of time among Members (obsolete).
 - a) June 6, 1973. Journals, pp.99-100. Reuter.
- 2.3 Substitution for Minister.

On March 27, 1973 (See Debates, pp.245-6), Speaker Reuter indicated that in his view, no one could substitute for the Minister to whom the original question had been directed. On October 30, 1979, (See Debates, pp.4036-7) however, Deputy Speaker Edighoffer ruled that the provisions of the *Executive Council Act* permit the transfer of duties, and one Minister was therefore allowed to substitute for another.
- 2.4 Debate permitted on question supplementary to one on which notice has been given.
 - a) June 6, 1973. Journals, pp.99-100 (final paragraph). Reuter.
- 2.5 Interpretation of notice provisions in Standing Orders.
 - a) March 21, 1973. Debates, pp.37-8. Reuter.
- 2.6 Adjournment debate not permitted on questions ruled out of order.
 - a) October 24, 1978. Debates, pp.4146, 4163-4. Stokes.
- 2.7 Minister not required to be present.
 - a) November 30, 1978. Debates, pp.5444-5. Stokes.
 - b) October 23, 1984. Debates, pp.3515-6. Turner.

- c) October 25, 1984. Journals, pp.181-2. Debates, p.3521. Turner.
- 2.8 No adjournment debate on written enquiries.
 - a) November 10, 1978. Debates, p.4824. Stokes.
- 2.9 No points of order, questions of privilege or quorum calls may be raised during time allotted for adjournment debate.
 - a) October 25, 1984. Journals, pp.181-2. Debates, p.3521. Turner.
 - b) December 10, 1985. Debates, pp.2337, 2340. Edighoffer.
- 2.10 No adjournment debate on response by minister during previous adjournment debate.
 - a) July 11, 1985. Debates, p.685. Edighoffer.

ADJOURNMENT MOTION TO DISCUSS MATTER OF URGENT PUBLIC IMPORTANCE ("EMERGENCY DEBATE")

Motions to set aside the ordinary business of the House to discuss matters of urgent public importance have been long employed in Ontario, although only in 1939 were they explicitly covered by the Standing Orders. Most instances in which this procedure was employed do not appear to have been genuine attempts to mount debates, but rather opportunities for raising personal or local grievances. These are recorded in the Journals, but are generally not indexed; the following, which occurred on February 27, 1931, seems typical:

Before the Orders of the Day were called, Mr. Nixon moved the adjournment of the House for the purpose of discussing a matter of public importance, notice of which he handed to the Speaker, as follows:-

Mr. Speaker: I desire to move the adjournment of the House for the purpose of discussing the editorial appearing in a recent edition of "Varsity", the official publication of the undergraduate body at Toronto University, in which it was stated that "The teaching in a good many of the courses is of such a type as to result in a practical atheism on the part of the students."

The first recorded Speaker's ruling on "emergency debates" drew attention to abuses of this procedure. The more recent rulings have usually been delivered on motions which were aimed at holding a debate.

Until 1970, the rule (38a) referred to adjournment for the purpose of discussing "a definite matter of urgent public importance". As was pointed out in Lewis' *Parliamentary Procedure in Ontario*, this was interpreted to mean "a single specific matter of recent occurrence" (p.40). Thus, prior to 1970, a great many motions to hold emergency debates were ruled out of order because they were not specific matters of recent occurrence, in that they dealt with general problems such as unemployment, or with possible future events rather than past occurrences.

The Standing Orders of April 22, 1970, referred only to "a matter of urgent public importance". With this change, emergency debates have been held on general topics, such as rising food prices, and on pending events, such as Ontario Hydro's uranium contracts. However, in ruling out of order a motion to suspend business to debate "the crisis in the automobile industry" (December 10, 1979), the Speaker included the observation: "I find this matter does not lend itself to an emergency debate because it does not highlight one specific event."

Aside from the now obsolete "single specific matter of recent occurrence" criterion, six factors were cited in Speaker's rulings that motions for emergency debates were not in order: the matter lacked urgency; the matter was too local in scope; the matter was *sub judice*; the matter was before a committee, and was best dealt with there; the matter would repeat earlier business; and that other opportunities existed for debating the matter.

The Provisional Standing Orders adopted on April 28, 1986, no longer require the Speaker to determine if the matter proposed for debate is a "matter of urgent public importance requiring immediate consideration." The House will now decide this question if the Speaker has found the motion to be in order based on criteria set out in Standing Order 37(b) (i.e. notice received in time, only one motion on any day, discusses only one matter, not previously discussed in an emergency debate in same Session, not a question of privilege, etc.).

- 3.1 Setting aside "the ordinary business of the House" does not apply to committees.
 - a) December 6, 1979. Debates, p.5201. Stokes.
- 3.2 No requirement that Speaker give reasons for ruling a motion out of order.
 - a) May 19, 1983. Debates, pp.885-6. Turner.
- 3.3 Emergency debate must take place before 6 p.m. during week or 1 p.m. on Fridays, unless Standing Orders waived.
 - a) October 30, 1984. Debates, pp.3695-6. Turner.
- 3.4 Member giving notice to move a motion to set aside the ordinary business to discuss a matter of urgent public importance must also be the person who moves the motion and presents the initial arguments in favour of the motion. Unanimous consent required for another member to move the motion.
 - a) April 30, 1987. Debates, p.83. Edighoffer.

RULINGS

* Indicates debate was held

1. July 17, 1945 General ruling that many matters alleged to be matters of public importance are only personal matters. Debates, pp.27-8. Stewart.
2. January 28, 30, 1959 Unemployment. Not definite; other opportunities available. Journals, pp.27-8. Debates, pp. 20-2, 55-6. Downer.
3. February 23, 1960 Location of proposed nuclear research station. Ruled as notice of motion. Journals, p.81. Debates, pp.642-6. Murdoch.
4. March 29, 1960 Public confidence in court system. Not urgent.

- Journals, p.185. Debates, pp.1898-1901. Murdoch.
5. November 23, 1960 Unemployment.
Not definite; other opportunities possible.
Journals, pp.16-7. Debates, pp. 24-5. Murdoch.
6. March 9, 1964 Shortage of hospital accommodation in Toronto. Not specific incident of recent occurrence; other opportunities available.
Journals, p.84. Debates, pp.1383-4. Morrow.
7. January 21, 1965 Toronto Printers Strike. Not urgent; not specific matter of recent occurrence; other opportunities available.
Journals, p.13. Debates, pp.22-3. Morrow.
8. February 7, 1966 Civil disobedience at Oshawa newspaper strike. *Sub judice*.
Journals, p.38. Morrow.
9. June 21, 1966 Farm Prices. Not specific matter of recent occurrence; other opportunities available.
Journals, p.195. Debates, pp.4985-6. Morrow.
10. April 10, 1967 Dismissal of Toronto Coroner. Doubtful urgency; doubtful public importance other than in local area; involves ordinary administration.
Journals, pp.90-1. Debates, pp. 1907-8. Morrow.
11. March 24, 1969 Location of proposed smelter. Not specific matter of recent occurrence.

- Journals, p.91. Debates, pp.2597-9. Cass.
12. May 16, 1969 Resignation of officials of Indian Development Branch.
Not urgent.
Journals, p.146. Debates, pp.4513-5. Cass.
13. September 30, 1969 Administration of medical insurance programme. Would repeat earlier business.
Journals, pp.200-1. Debates, pp.6409-12. Cass.
14. March 19, 1970 Threatened plant closings. Only local importance. Not specific matter of recent occurrence.
Journals, p.45. Debates, pp.847-53. Cass.
- *15. April 2, 1970 Mercury pollution in Lakes St. Clair and Erie.
Journals, pp.67-8. Debates, pp.1032-3. Cass.
16. May 22, 1970 Arsenic pollution in Moira River. Only local importance.
Not urgent.
Journals, p.140. Debates, pp.3043-6. Cass.
17. May 4, 1972 Toronto Civic Strike. Not of urgent public importance.
Journals, pp.81-2. Debates, pp.2006-10. Reuter.
- *18. March 29, 1973 High water levels in Great Lakes.
Journals, pp.27-28. Debates, pp.326, 344-6. Reuter.
- *19. October 2, 1973 Rise in food prices.
Journals, p.133. Debates, pp.3846-9. Reuter.

20. May 27, 1975 Remarks attributed to member. Not urgent; amounts to censure of members which should be done by substantive motion.
Journals, p.75. Debates, pp.2229-31. Rowe.
- *21. November 20, 1975 Closing of Chesley Hospital.
Other opportunities available —
OVERRULED.
Journals, p.31. Debates, pp.763-8. Rowe.
- *22. December 9, 1976 Ontario Hydro Transport Board decision on Greyhound.
Sub judice – OVERRULED.
Journals, p.196. Debates, pp.5522-6. Rowe.
- *23. February 28, 1978 Ontario Hydro uranium contract.
Journals, p.17. Debates, pp.183-5. Stokes.
24. April 11, 1978 Allegedly misleading report given to committee. Matter still before committee; more appropriately discussed there.
Journals, pp.59-60. Debates, pp.1433-7. Stokes.
25. June 16, 1978 Closure of registry offices. Not urgent.
Journals, p.132. Debates, pp.3577-80. Stokes.
- *26. March 8, 1979 Increase in Toronto Transit Commission fares.
Journals, pp.18-9. Debates, pp.36-9. Stokes.
- *27. March 27, 1979 Inadequate hospital funding.
Journals, p.28. Debates, pp.274-6. Stokes.
- *28. December 6, 1979 Alleged impending oil shortage.

- Journals, p.233. Debates, pp.5202-5. Stokes.
29. December 10, 1979 Auto industry layoffs. Not urgent; other opportunities available.
Journals, p.236. Debates, pp.5302-5. Stokes.
30. December 13, 1979 Federal budget. Other opportunities available.
Journals, pp.242-3. Debates, pp.5477-9. Stokes.
- *31. April 10, 1980 Unemployment crisis in Windsor-Essex area.
Journals, p.49. Debates, pp.628-31. Stokes.
- *32. October 6, 1980 Layoffs and Plant Closures.
Journals, p.160. Debates, pp.3126-8. Stokes.
33. November 25, 1980 Disposal of hazardous industrial waste. Not specific occurrence.
Debates, pp.4607-10. Stokes.
- *34. November 27, 1980 Statement by Minister respecting toxic waste dump in South Cayuga.
Journals, p.219. Debates, pp.4671-3. Stokes.
35. April 23, 1981 Farm Interest Rates. Other opportunities available.
Journals, pp.17-8. Debates, pp.39-42. Turner.
36. April 27, 1981 Rise in house prices.
Other opportunities available.
Journals, p.22. Debates, pp.102-5. Turner.
37. June 4, 1981 Gasoline tax increase. (Ruled in order)

- Journals, pp.80-1. Debates, pp.1250-4. Turner.
38. June 8, 1981 Problems of homeowners with Urea Formaldehyde insulation. (Ruled out of order; no reasons stated) Journals, pp.84-5. Debates, pp.1354-7. Turner.
- *39. October 13, 1981 High interest/mortgage rates. Journals, p.135. Debates, pp.2459-63. Turner.
- *40. November 12, 1981 Information on Suncor purchase. Journals, pp.183-4. Debates, pp.3423-5. Turner.
41. November 23, 1981 Constitutional Resolution in Parliament of Canada. (Ruled in order) Journals, pp.198-9. Debates, pp.3775-8. Turner.
42. December 1, 1981 Economic Recession. Other opportunities available. Journals, p.213. Debates, pp.4083-5. Turner.
- *43. December 3, 1981 Threat to Health Care System. Journals, p.217. Debates, pp.4150-2. Turner.
- *44. March 11, 1982 Level of unemployment and lack of Government programs. Journals, p.19. Debates, pp.38-40. Turner.
- *45. April 1, 1982 Layoff of workers in Oshawa and Windsor. Journals, pp.36-7. Debates, pp.464-6. Turner.
- *46. September 24, 1982 Economic and social conditions in Sudbury.

- Journals, pp.175-6. Debates, pp.3716-8. Turner.
47. September 28, 1982 Public allowances and benefits falling behind inflation.
Too broad; includes several related matters and not restricted to one specific matter; other opportunities to debate matter.
Journals, pp.177-8. Debates, pp.3796-3800. Turner.
48. October 19, 1982 Economic and social conditions in Sudbury.
Journals, pp.193-4. Debates, pp.4355-9. Turner.
- *49. October 21, 1982 Layoffs in Sudbury. (debate proceeded by unanimous consent)
Journals, p.198. Debates, pp.4426-8. Turner.
50. October 26, 1982 Crisis in rental housing; consequences of Cadillac-Fairview sale. (Ruled in order)
Journals, pp.203-4. Debates, pp.4579-82. Turner.
- *51. October 28, 1982 Crisis in rental housing; consequences of Cadillac-Fairview sale.
Journals, pp.206-7. Debates, pp.4651-2. Turner.
52. November 15, 1982 Cadillac-Fairview sale and its implications for rent review. (Ruled in order)
Journals, pp.218-9. Debates, pp.5115-8. Turner.
53. November 16, 1982 Minister's expected statement on Cadillac-Fairview.
Journals, pp.221-2. Debates, pp.5190-4. Turner.

54. November 23, 1982 Closing of paper mill in Hawkesbury. (Ruled in order)
Journals, p.231. Debates, pp.5395-8. Turner.
55. December 3, 1982 Unemployment.
Journals, pp.249-50. Debates, pp.5765-70. Turner.
56. December 7, 1982 Increase in welfare rolls. (Ruled in order)
Journals, pp.253-4. Debates, pp.5868-71. Turner.
- *57. January 17, 1983 Takeover by Government of trust companies.
Journals, p.285. Debates, pp.6506-9. Turner.
58. January 24, 1983 Closing of six institutions for the developmentally handicapped. Matter not meet requirement of urgency.
Journals, pp.294-5. Debates, pp.6765-9. Turner.
59. February 15, 1983 Farm bankruptcies and foreclosures. (Ruled in order)
Journals, pp.324-5. Debates, pp.7639-43. Turner.
60. February 16, 1983 Closure of American Can mill at Marathon. (Ruled in order)
Journals, pp.329-30. Debates, pp.7696-8. Turner.
61. February 17, 1983 Takeover of control of trust companies.
Out of order because revives discussion on matter which has been discussed in the same session under S.O. 34.

- Journals, pp.331-2. Debates, pp.7737-40. Turner.
62. February 22, 1983 Testing of cruise missile system in Canada. (Ruled in order)
Journals, pp.334-5. Debates, pp.7892-4. Turner.
63. April 19, 1983 Harassment of workers on picket lines at Central Precision and Alcan in Scarborough.
Journals, pp.14-5. Debates, pp.40-3. Turner.
64. April 21, 1983 Cabinet decision not to include doctors in provincial wage restraint programme.
Journals, pp.18-9. Debates, pp.77-81. Turner.
65. April 29, 1983 Role of Attorney General and Ontario Securities Commission re Norcem Energy Resources Limited
Journals, pp.28-9. Debates, pp.336-40. Turner.
- *66. May 9, 1983 Publication of apparent budget information before presentation of budget in the House.
Journals, p.40. Debates, pp.587-9. Turner.
67. May 19, 1983 Alleged subversion of labour law by Securicor Limited (no reason given).
Journals, pp.54-5. Debates, pp.882-4. Turner.
68. May 31, 1983 Economic hardships facing farmers. Out of order because not related to genuine emergency calling for immediate and urgent consideration.

- Journals, pp.68-9. Debates, pp.1245-9. Turner.
69. October 11, 1983 Damage to equipment at Pickering Nuclear Power Station and impact of need to re-tube on nuclear power programme. (Ruled in order)
Journals, pp.115-6. Debates, pp.1991-3. Turner.
- *70. October 13, 1983 Report of the Niagara Escarpment Commission on the Beaver Valley. (Debate held with concurrence of House.)
Journals, p.122. Debates, pp.2053-6. Turner.
71. October 18, 1983 Emergency financial assistance for red meat industry in Ontario. Out of order because not related to a genuine emergency.
Journals, pp.129-30. Debates, pp.2197-2200. Turner.
- *72. December 1, 1983 Incarceration of complainant of rape for contempt of court.
Journals, p.193. Debates, pp.3578-80. Turner.
- *73. March 23, 1984 Replacement of pressure tubes at Pickering Nuclear Generating Station. (Debate held with concurrence of House.)
Journals, p.21. Debates, pp.70-84. Turner.
- *74. April 13, 1984 Tobacco industry. (Debate held with concurrence of House.)
Journals, p.53. Debates, pp.702-718. Turner.
- *75. April 16, 1984 Establishment of group homes in North York. (Debate held with

- concurrency of House.)
Journals, pp.54-5. Debates, pp.741-766. Turner.
- *76. June 19, 1984 Deteriorating financial state of agricultural industry.
(Debate held with concurrence of House.)
Journals, pp.133-4. Debates, pp.2606-2624. Turner.
77. October 18, 1984 Strike of community college teachers. (Ruled in order)
Journals, pp.173-4. Debates, pp.3317-3320. Jones (Deputy Speaker).
78. October 23, 1984 Report on the Niagara Escarpment Plan.
Out of order because it was not a matter relating to a genuine emergency, calling for immediate and urgent consideration.
Journals, pp.178-9. Debates, pp.3467-9. Turner.
79. October 30, 1984 Strike of community college teachers. (Ruled in order.
Not a matter which House had yet discussed.)
Journals, p.189. Debates, pp.3695-8. Turner.
80. November 2, 1984 Enforcement of fishing regulations. (Ruled in order)
Journals, p.194. Debates, pp.3801-4. Turner.
81. November 5, 1984 Deregulation of long-distance telephone service. (Ruled in order)
Journals, pp.196-7. Debates, pp.3835-7. Turner.

82. November 6, 1984 Strike of community college teachers. Out of order because does not fall within criteria of S.O. 37(a). Journals, pp.198-9. Debates, pp.3877-80. Turner.
- *83. November 20, 1984 Closure of Black and Decker Canada Inc. plant in Barrie. (Ruled in order) Journals, p.220. Debates, pp.4287-90. Turner.
- *84. November 22, 1984 Closure of Stelco Inc. mining operations in Ear Falls. (Ruled in order) Journals, pp.222-3. Debates, pp.4361-3. Turner.
85. November 27, 1984 Threat to quality of drinking water in Lake Ontario. (Ruled in order) Journals, pp.230-1. Debates, pp.4482-5. Turner.
86. December 12, 1984 Closure of Stelco Inc. mining operations in Ear Falls. (Ruled in order) Journals, pp.255-6. Debates, pp.4925-8. Turner.
- *87. October 21, 1985 Deaths at Extendicare London Nursing Home. (Ruled in order) Journals, p.84. Debates, pp.947-968. Edighoffer.
- *88. November 19, 1985 Teachers' strike in Wellington County high schools. (Ruled in order) Journals, p.118. Debates, pp.1608-1630. Edighoffer.
- *89. December 5, 1985 Sale of de Havilland Aircraft of

- Canada Ltd. to an American company.
(Ruled in order; proceeded with consent)
Journals, p.139. Debates, pp.2122-2146. Edighoffer.
- *90. January 9, 1986 Provision of comprehensive, affordable insurance coverage.
(Debate proceeded with agreement of House and without 5-minute arguments from each Party)
Journals, p.178. Debates, pp.2879-2901. Edighoffer.
- *91. January 30, 1986 Trace levels of dioxin in treated drinking water in Windsor, Sarnia, etc.
(Ruled in order)
Journals, p.203. Debates, pp.3629-51. Edighoffer.
- *92. April 24, 1986 Wheel-Trans Labour Dispute.
(Ruled in order)
Debates, pp.34-43. Edighoffer.
- *93. April 28, 1986 Economic crisis facing Sault Ste. Marie and Wawa due to Algoma Steel's programme to downsize operations.
(Ruled in order)
Debates, pp.108-131. Edighoffer.
- *94. May 28, 1986 Validity of gasoline price increases.
(Ruled in order)
Debates, pp.954-979. Edighoffer.
- *95. October 20, 1986 U.S. countervailing tariff on softwood lumber products.
(Ruled in order)
Debates, pp.2588-2616. Edighoffer.

- *96. November 12, 1986 Insurance rates.
(Ruled in order)
Debates, pp.3235-59. Edighoffer.
- *97. November 20, 1986 Plant shutdowns.
(Ruled in order)
Debates, pp.3568-91. Edighoffer.
- *98. December 4, 1986 Sunday shopping.
(Ruled in order)
Debates, pp.3946-73. Edighoffer.
- *99. April 29, 1987 Occupational health and safety –
deaths of 5 workers at Inco in
Sudbury.
(Ruled in order)
Debates pp.44-67. Edighoffer.
- *100. May 7, 1987 Northern Ontario.
(Ruled in order)
Debates, pp.279-307. Edighoffer.
- *101. May 12, 1987 Automobile insurance rates.
(Ruled in order)
Debates, pp.382-409. Edighoffer.

ADJOURNMENT OF HOUSE FOR LACK OF QUORUM

4.1 General procedure.

- a) June 18, 1969. Journals, p.182. Cass.
- b) May 27, 1982. Journals, p.101. Debates, p.2081. Turner.

4.2 Adjournment in afternoon for lack of quorum would be to the night sitting.

- a) June 18, 1969. Journals, p.182. Cass.

4.3 No quorum call may be raised during adjournment debate.

- a) October 25, 1984. Journals, pp.181-2. Debates, p.3521. Turner.

4.4 Any member other than Speaker may ask if quorum present.

- a) May 22, 1986. Debates, p.809. Edighoffer.

ADJOURNMENT OF DEBATE

- 5.1 Motion for adjournment of debate may not contain any extraneous words.
- a) April 7, 8, 1970. Journals, pp.71-4. Debates, pp.1192-5. Cass.
- 5.2 Member moving the adjournment of debate need not be next speaker when debate is resumed.
- a) May 11, 1979. Debates, pp.1858-9. Stokes.

ADJOURNMENT OF HOUSE (OR OF HOUSE SITTING IN COMMITTEE)

- 6.1 Motion to adjourn the House may not contain any extraneous words.
- a) April, 7, 8, 1970. Journals, pp.71-4. Debates, pp.1192-5. Cass.
- Note:- This ruling would seem to supercede the precedent of May 16, 1969 (Journals, p.148. Debates, pp.4523-5). On this occasion, Speaker Cass expressed doubt, but permitted debate on a motion to adjourn the House to permit the Speaker to consider an alleged point of privilege.
- 6.2 Motion to adjourn the House to permit Government to call certain business out of order for attempting to regulate Government business.
- a) September 30, 1969. Debates, pp.6413-5. Cass.
- 6.3 Only Member who properly has the floor may move adjournment of the House; Member may not gain floor for moving adjournment by alleging a point of order.
- a) April 19, 1977. Journals, p.41. Rowe.

Note:- This ruling also commented on the provision of the Standing Order prohibiting adjournment motions before the orders of the Day without "leave of the House". On December 14, 1978, this phrase was changed to "unanimous consent of the House" (S.O. 38(a)).

b) May 19, 1981. Debates, p.773. Cureatz (Deputy Speaker).

- 6.4 House sitting as committee cannot extend itself past adjournment hour; committee must rise and report, so that House can extend sitting.
- a) April 15, 1971. Debates, p.503. Reuter (Chairman).
- 6.5 Motion for committee to rise and report, having been defeated, cannot be moved again until some intervening business has taken place.
- a) June 28, 1972. Debates, pp.4532-4. Rowe (Chairman).
- 6.6 When House is in Committee, proper motion is that the Chairman leave the Chair, not that the debate be adjourned.
- a) October 20, 1981. Debates, p.2694. Cureatz (Chairman).
- 6.7 Motion to adjourn House may not be moved until after the Orders of the Day are entered upon (S.O. 38(a))
- a) October 30, 1984. Journals, pp.188-9. Debates, p.3670-1. Turner.

AMENDMENTS – NOTICE

- 7.1 Notice not required of amendments proposed to sections of a bill.
- a) October 24, 1985. Debates, pp.1080-1, Treleaven (Chairman).

AMENDMENTS – SCOPE AND PRINCIPLE

- 8.1 An amendment must offer an alternative to the main motion.
- a) March 4, 1960. Journals, p.121. Debates, p.987. Murdoch.
- 8.2 An amendment may negative the main motion by putting forth a directly opposite principle.
- a) March 5, 1917. Journals, pp.66-7. Jamieson.
- 8.3 An amendment is not an alternative to the main motion if the subject of the amendment is included in the main question.
- a) March 16, 1943. Journals, p.54. Clark.
- 8.4 An amendment must be relevant to the main motion (see also 17.1 and 17.2 on relevancy of amendment to bills in committee).

- a) February 12, 1878. Journals, p.80. Wells.
 - b) March 15, 1960. Journals, pp.140-1. Debates, pp.1273-8. Murdoch.
 - c) July 10, 1968. Debates, pp.5427-33. Cass.
- 8.5 An amendment which proposes to strike out all but the word "that" and substitute content relating to the same subject is in order.
- a) December 2, 1868. Journals, p.40. Stevenson.
- 8.6 An amendment may extend the scope of the original motion.
- a) March 20, 1889. Journals, p.140. Baxter.
- 8.7a An amendment may propose a change in a bill's title.
- a) May 7, 1974. Debates, pp.1818-26. Rowe (Chairman).
 Note:- On June 14, 1965 an amendment proposing to change the title of a bill was ruled out of order as being "frivolous" (Debates, pp.4077-9).
 - b) February 14, 1983. Debates, pp.7606-7. Cureatz (Chairman).
- 8.7b The title of a bill may only be amended if other parts of the bill have been amended so as to warrant a change in title.
- a) June 18, 1979. Debates, pp.3052-3. MacBeth (Deputy Chairman).
 - b) February 22, 1983. Debates, p.7927. Cousens (Deputy Chairman).
- 8.8 Amendments may be proposed to the motion for an Address in Reply to the Speech from the Throne, but they must conform to the general requirements for amendments (See also *May*, 20th edition p.286).
- a) February 13, 20, 1923. Journals, pp.73-4, 99. Parliament.
- 8.9 An amendment differing in form, but identical in purpose or meaning to a matter already dealt with during the session is out of order.
- a) November 25, 1868. Journals, p.30. Stevenson.
 - b) December 8, 1868. Journals, p.52. Stevenson.
 - c) December 15, 1871. Journals, pp.23-24. Stevenson.
 - d) January 9, 12, 1874. Journals, pp.10-2. Wells.

- e) March 5, 1874. Journals, p.107. Wells.
 - f) March 6, 1878. Journals, p.156. Wells.
 - g) January 30, 1883. Journals, p.123. Clarke.
 - h) July 10, 1975. Journals, p.121. Debates, pp.3879-80, 3889-94. Rowe.
 - i) October 29, 1981. Debates, p.2997. Cousens (Deputy Chairman).
 - j) December 10, 1986. Debates, p.4113. Morin (Deputy Chairman).
- 8.10 An amendment different in substance, though similar in form, to a matter dealt with during the session is in order.
- a) January 19, 1869. Journals, p.113. Stevenson.
 - b) June 4, 1986. Debates, pp.1182-3. Morin (Deputy Chairman).
- 8.11 An amendment is out of order if notice of a similar motion had already been given by another member.
- a) March 12, 1895. Journals, p.43. Balfour.
- Note:- Many rulings pertaining to notice of amendments have been made, but in that notice requirements are much less strict than in the past, such rulings are obsolete.
- 8.12 "Frivolous" amendments are out of order.
- a) June 14, 1965. Debates, pp.4077-9. Whitney (Chairman).
- 8.13 Constitutionality of amendment has no bearing on whether amendment is out of order.
- a) October 21, 1980. Debates, pp.3620-3. MacBeth (Deputy Chairman).
- 8.14 Vague amendments are out of order.
- a) April 7, 1904. Journals, pp.243-4. Charlton.
- 8.15 An amendment may not amend a statute which is not before the committee.
- a) December 12, 1983. Debates, pp.3952-3. Cousens (Deputy Chairman).
- 8.16 An amendment may not amend sections from the original Act unless they are specifically being amended in a clause

of the bill before the committee. To do so requires unanimous consent.

- a) December 12, 1983. Debates, pp.3985-91. Robinson (Acting Chairman).
- b) June 1, 1984. Debates, p.2067. Robinson (Acting Chairman).
- c) June 5, 1984. Debates, pp.2204-5. Cousens (Deputy Chairman).
- d) June 5, 1984. Debates, pp.2207-8. Cousens (Deputy Chairman). (Considered with unanimous consent of Committee.)
- e) June 5, 1984. Debates, p.2208. Cousens (Deputy Chairman). (Considered with unanimous consent of Committee.)
- f) June 5, 1984. Debates, p.2210. Cousens (Deputy Chairman). (Considered with unanimous consent of Committee.)
- g) June 7, 1984. Debates, p.2295. Jones (Chairman).
- h) October 24, 1985. Debates, pp.1079-80. Treleaven (Chairman). (Unanimous consent refused.)

FORM OF AMENDMENT

9.1 An amendment should be framed so as to leave out certain words, to leave out certain words in order to insert others, or to add words.

- a) May 25, 1893. Journals, pp.189-91. Ballantyne.

9.2 An amendment which proposes to replace a section of a bill must be properly drafted.

- a) March 27, 1957. Debates, pp.1684-5. Janes (Chairman).

9.3 An amendment may not have a preamble. However, an amendment with a preamble will only be ruled out of order if objection is made within a reasonable time.

- a) March 27, 1903. Journals, p.76. Charlton.
- b) March 26, 1909. Journals, pp.221-3. Crawford.

9.4 Amendments should be in writing.

- a) June 10, 1986. Debates, p.1320. Treleaven (Chairman).

AMENDMENT TO THE MOTION FOR AN ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE – See 8.8

EFFECT OF DEFEAT OR ADOPTION OF AN AMENDMENT

10.1 In Committee of the Whole the defeat of an amendment to a section of a bill does not automatically carry the section.

December 10, 1975. Debates, p.1522. Stokes (Chairman).

Note:- This decision effectively reversed the practice whereby the defeat of an amendment resulted in the section being declared carried (See, for example, Chairman Reilly's ruling of May 16, 1966 (Debates, p.3497). Since this time, it has become accepted practice that the defeat of an amendment to a section of a bill does not decide the question as to whether the section shall carry.

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10.2 On defeat of a reasoned amendment, the question on the main motion shall be put immediately.

a) June 1, 1965. Journals, pp.146-7. Debates, pp.3556-9. Morrow.

Note:- This ruling supercedes a ruling by Speaker Davies on April 5, 1951 (Journals, pp.254-5, 267-9), which held that defeat of a reasoned amendment resulted in bill being declared to have been read.

10.3 Defeat of a hoist motion results in bill being declared to have been read a second or third time.

a) March 31, 1949. Journals, pp.180-3. Davies.

10.4 Once an amendment has been carried, the purpose of which is to express concurrence in the main motion, no further amendment may be proposed which would involve non-concurrence.

a) March 8, 1888. Journals, pp.97-9. Baxter.

AMENDMENT TO AN AMENDMENT

11.1 An amendment to an amendment must be relevant to the amendment.

- a) March 6 and 11, 1924. Journals, pp.111-2, 127. Thompson.
- b) March 9, 1926. Journals, p.116. Thompson.
- c) April 12, 1901. Journals, pp.225-7. Evanturel.
- 11.2 An amendment to an amendment may not strike out the entire amendment and propose to substitute something for it.
 - a) February 18, 1925. Journals, pp.22-4. Thompson.
- 11.3 An amendment to an amendment which proposed to amend the main motion is out of order.
 - a) March 9, 1899. Journals, p.154. Evanturel.
- 11.4 An amendment to an amendment, couched in the same terms as the original motion, but extending its scope is in order.
 - a) March 20, 1889. Journals, pp.140-2. Evanturel.
 - b) May 25, 1893. Journals, pp.184-5. Charlton.

Note:- These rulings would seem to contradict a ruling by Speaker Wells on February 14, 1877 (Journals, p.141).
- 11.5 Once an amendment to an amendment has been carried, so as to confirm the subject matter of the amendment, a further amendment which would strike out part of the amendment is out of order. A further amendment which would add to the amendment would be in order.
 - a) March 9, 1885. Journals, pp.97-9. Clarke.
- 11.6 For an amendment to an amendment to be in order, the House must have resolved that the words proposed to be struck out by the original amendment shall not stand as part of the question. (Note:- this ruling was made with reference to a reasoned amendment)
 - a) March 16, 1961. Journals, p.132. Debates, pp.2223-4. Murdoch.
- 11.7 If an amendment to an amendment proposes to add to the amendment, it should do so by adding to it, not by incorporating the entire amendment.
 - a) February 12 and 13, 1958. Journals, pp.37-8, 40-1. Debates, pp.135, 146-8. Downer.

AMENDMENTS TO THE MOTION THAT SPEAKER DO NOW LEAVE THE CHAIR

Since this procedure was done away with by the Standing Orders adopted in 1970, these rulings are obsolete.

- a) March 12, 1874. Journals, pp.154-6. Wells.
- b) May 25, 1893. Journals, p.184. Ballantyne.
- c) February 16, 1961. Journals, pp.83-4. Murdoch.

AMENDMENT TO TITLE OF BILL – See 8.7

AMENDMENTS RELATING TO EXPENDITURE

12.1 An amendment which would increase expenditure may only be proposed by a minister of the Crown.

- a) February 24, 1872. Journals, p.210. Currie.
- b) February 12, 1951. Journals, p.44. Davies.
- c) December 4, 1969. Debates, pp.9321-3. Reuter (Chairman).
- d) May 4, 1970. Debates, pp.2244-8. Rowe (Chairman). (See 12.3)

Note:- In this instance, the bill provided that the Government could make loans to certain classes of people; the amendment would have allowed the Government to forgive the loans entirely. (Ruling sustained on appeal.)

- e) November 13, 1979. Debates, p.4462. Edighoffer (Chairman).
- f) June 24, 1981. Debates, pp.2037-8. Cureatz (Chairman).

12.2 Amendment proposed by a private member which would reduce expenditure is in order. Cannot instruct society to maintain grants during Estimates consideration.

- a) June 2, 1966. Debates, pp.4172-3. Reilly (Chairman). (Ruling sustained on appeal.)

12.3 An amendment which increases the number of persons eligible to receive payments from the government, but which does not make the payments obligatory is in order.

- a) July 4, 1977. Debates, pp.312-3, 325. Edighoffer (Chairman).

Note:- This ruling overturns a ruling by Chairman Rowe on May 4, 1970. (Debates, pp.2251-3), in which an amendment with a similar purpose was ruled out of order.

12.4 An amendment which would specifically direct the allocation of public funds may only be proposed by a minister of the Crown.

- a) June 25, 1969. Debates, pp.6166-7. Reuter (Chairman).
- b) June 26, 1969. Debates, p.6320. Boyer (Chairman).
- c) June 16, 1980. Debates, pp.2871-3. Edighoffer (Chairman). (Ruling sustained on appeal.)
- d) December 8, 1983. Debates, pp.3883-5. Jones (Chairman).
- e) December 12, 1983. Debates, p.3947. Jones (Chairman).
- f) February 11, 1986 Debates, pp.4054-5. Treleaven (Chairman). (Ruling sustained on appeal.)

12.5 An amendment which would alter the method of payment of public funds may be moved by a private member.

- a) March 21, 1874. Journals, p.240. Wells.

12.6 Rules preventing private members from proposing amendments to increase expenditure apply to semi-independent boards and commissions. (Ruling sustained on appeal.)

- a) March 14, 1947. Journals, p.75. Debates, p.113-7. Stewart.

Note:- The wording of S.O. 15 now refers to "public funds" rather than the less precise "any part of the public revenue" of the old S.O. 112, which necessitated this ruling.

12.7 Amendment from private members which would make expenditure of public funds permissive, rather than mandatory, accepted (see also 26.9).

- a) June 30, 1981. Debates, pp.2243-5. Cureatz (Chairman).

AMENDMENTS RELATING TO REVENUE

13.1 Amendments which would increase the rate of taxation may only be proposed by a minister of the Crown.

- a) March 28, 1978. Debates, pp.968-9. Rotenberg (Deputy Chairman).
 - b) May 8, 1979. Debates, p.1749. MacBeth (Deputy Chairman).
- 13.2 Amendments which would remove a ceiling on a tax may only be proposed by a minister of the Crown.
- a) March 28, 1978. Debates, pp.968-9. Rotenberg (Deputy Chairman).
- 13.3 Amendments which would remove a tax exemption may only be proposed by a minister of the Crown.
- a) December 4, 1969. Debates, pp.9325-6. Reuter (Chairman).
 - b) December 4, 1969. Debates, pp.9327-9. Reuter (Chairman).
 - c) November 14, 1978. Debates, pp.4893-4 Edighoffer (Chairman).
 - d) May 8, 1979. Debates, pp.1750-1. MacBeth (Deputy Chairman).
- 13.4 Amendments which would increase a tax exemption or reduce taxes may be proposed by private members.
- a) December 5, 1969. Debates, pp.9399-9400. Rowe (Chairman).
- Note:- This ruling contradicts a ruling made by Chairman Reuter on June 25, 1969 (Debates, pp.6167-9).
- b) July 6, 1977. Debates, pp.451-4. G.E. Smith (Deputy Chairman).
- Note:- This was not a ruling, but an instance of an amendment, by a private member, which would reduce taxes.
- 13.5 Amendments which would have the effect of increasing assessment for municipal taxation may only be proposed by a minister of the Crown.
- a) December 4, 1969. Debates, pp.9325-9. Reuter (Chairman).
- 13.6 Exclusive Crown prerogative to increase taxation applies to all tax bills whether the bill creates new taxes, reduces taxation or increases taxation.

- a) March 28, 1978. Debates, pp.968-9. Rotenberg (Deputy Chairman).
- b) November 14, 1978. Debates, pp.4893-4. Edighoffer (Chairman).
- c) May 8, 1979. Debates, pp.1750-1. MacBeth (Deputy Chairman).

13.7 Reasoned amendment may not contemplate the imposition of a tax.

- a) February 28, 1957. Journals, p.70. Downer.

AMENDMENTS AT SECOND READING

(See also HOIST AMENDMENTS and REASONED AMENDMENTS)

14.1 Amendments to details of bill are out of order at Second Reading.

- a) March 22, 1965. Debates, p.1488. Morrow.

14.2 An amendment at Second or Third Reading that merely proposes to add to the question is out of order.

- a) May 25, 1893. Journals, pp.188-9. Ballantyne.

Note:- The ruling by Speaker Evanturel on April 12, 1901 (Journals, pp.225-7) contradicts this ruling; however, it seems of dubious validity.

On February 7, 1876, an amendment to a motion for third reading of bill was ruled out of order by Speaker Wells (Journals, pp.225, 228) but no indication was made as to the grounds.

14.3 Amendment to Second Reading Motion proposing that the bill be withdrawn and re-introduced with different contents is out of order.

- a) July 10, 1968. Debates, pp.5427-33. Cass.

Note:- On June 23, 1969, a reasoned amendment was moved part of which called for the withdrawal of the bill and re-introduction with different contents. It was not ruled out of order by Speaker Cass (See Journals, pp.187-8. Debates, pp.5987-8).

- 14.4 Proposed amendment to a motion for second reading should not be confined to a mere negation of the motion as the proper course to follow is to vote against the motion itself.
- a) March 4, 1957. Journals, pp.79-80. Downer.

HOIST AMENDMENTS

- 15.1 Procedure on hoist motions.
- a) April 7, 1949. Journals, p.209. Davies.
b) June 21, 1965. Journals, pp.174-5. Morrow.
- 15.2 Hoist motion must contain a definite date for future reading of bill.
- a) February 19, 1936. Journals, pp.23-4. Hippel.
b) March 4, 1957. Journals, pp.79-80. Downer.
c) March 25, 1964. Journals, pp.119-20. Debates, pp.2003-4. Morrow.
- 15.3 Hoist motion cannot propose conditions for future reading of bill.
- a) February 19, 1936. Journals, pp.23-4. Hipel.
b) March 4, 1957. Journals, pp.79-80. Downer.
c) March 25, 1964. Journals, pp.119-20. Debates, pp.2003-4. Morrow.
- 15.4 Debate on hoist motion must focus on proposed hoist rather than on principle of the bill.
- a) May 21, 1969. Journals, pp.150-1. Debates, pp.4619-22. Cass.
- 15.5 Amendment to a hoist amendment ruled out of order for not being relevant to the amendment.
- a) March 6, 11, 1924. Journals, pp.111-2, 127. Thompson.
- 15.6 Defeat of a hoist amendment results in bill being declared to have been read a second or third time.
- a) March 31, 1949. Journals, pp.180-3. Davies.
- 15.7 Examples
- a) December 7, 1976. Journals, pp.193-4. Stokes.
b) December 16, 1976. Journals, p.206. Stokes.
c) December 16, 1976. Journals, p.207. Stokes.
d) May 26, 1981. Journals, pp.70-1. Turner.

REASONED AMENDMENTS

16.1 Reasoned amendments are in order.

- a) February 15, 1877. Journals, p.142. Wells.
- b) February 12, 1878. Journals, pp.79-80. Wells.

16.2 Procedure on reasoned amendment.

- a) June 21, 1965. Journals, pp.174-5. Morrow.

16.3 Reasoned amendment may not raise matters dealt with by the House earlier in the session.

- a) July 10, 1975. Journals, p.121. Debates, pp.3879-80, 3889-94. Rowe.

Note:- This was a reasoned amendment to recommit a bill so that the committee could restore a section of the bill it had earlier removed.

Since the committee's report had been adopted by the House, this amendment was ruled out of order.

16.4 Reasoned amendment may call for further study of the subject matter of the bill by a committee or commission.

- a) March 30, 1965. Journals, pp.90-91. Debates, pp.1754-5. Morrow.

16.5 A reasoned amendment which does not relate to provisions of the bill, but to matters arising from the debate, is out of order.

- a) February 12, 1878. Journals, pp.79-80. Wells.

16.6 A reasoned amendment must offer some alternative; it must be more than an expanded negation to the motion for second reading.

- a) March 4, 1960. Journals, p.121. Debates, p.987. Murdoch.

16.7 A reasoned amendment alleging the bill is defective in principle and explaining in detail the reasons for this view and suggesting a remedy is in order.

- a) March 15, 1961. Journals, p.129. Debates, pp.2145-6. Murdoch.
- b) November 13, 1969. Journals, pp.238-40. Debates, p.8345. Cass.

- 16.8 If notice has been given of more than one reasoned amendment, that which is first moved is considered by the House, regardless of which notice was given first.
- a) November 23, 1973. Debates, pp.6006-9. Reuter.
- 16.9 Before allowing an amendment to a reasoned amendment, the House must resolve that the words sought to be left out by the original amendment shall not stand as part of the question.
- a) March 16, 1961. Journals, p.132. Debates, pp.2223-4. Murdoch.
- 16.10 Reasoned amendment may not contemplate the imposition of a tax.
- a) February 28, 1957. Journals, p.70. Downer.
- 16.11 On defeat of a reasoned amendment.
- a) April 5, 1951. Journals, pp.254-5, 267-9. Davies.
- b) June 1, 1965. Journals, p.146-7. Debates, pp.3556-9. Morrow.
- 16.12 Examples
- a) June 23, 1969. Journals, pp.187-8. Cass.
- b) April 6, 1975. Journals, p.39. Rowe. (This is a combination hoist/reasoned amendment/referral of subject-matter to committee motion)
- c) April 12, 1976. Journals, pp.49-50. Rowe.
- d) April 14, 1976. Journals, pp.56-7. Rowe.
- e) May 6, 1976. Journals, pp.80-1. Rowe.
- f) June 15, 1976. Journals, pp.120-4. Rowe. (This is a case where the reasoned amendment was carried, as amended, and the Order was dropped from the Orders and Notices paper.)
- g) November 23, 25, 1976. Journals, pp.174, 176-7. Stokes.
- h) November 24, 1977. Journals, pp.120-2. Stokes.
- i) May 4, 1982. Journals, p.75. Turner.
- j) May 18, 25, 1982. Journals, pp.91, 96. Turner.
- k) July 5, 1982. Journals, pp. 156-7. Debates, pp.3427-37, 3468. Turner.
- l) February 11, 1986. Debates, p.4029. Edighoffer.

AMENDMENTS OF BILL IN COMMITTEE

17.1 Amendments to bill at committee stage must not alter principle of the bill, or add new principle.

- a) May 28, 1920. Journals, p.364. Parliament.
- b) October 23, 1979 Amendment permitted which "modifies a concept" Debates, pp.3787-9. Edighoffer (Chairman).
- c) November 27, 1979. Debates, pp.4915-7. MacBeth (Deputy Chairman).
- d) June 30, 1981. Debates, pp.2270-1. Cousens (Deputy Chairman).
- e) June 7, 1983. Debates, p.1500. Cousens (Deputy Chairman).

17.2 Amendments to bill at committee stage must be relevant to particular sections of the bill.

- a) May 11, 1978. Debates, pp.2449-50. Edighoffer (Chairman).
- b) November 21, 1978. Debates, pp.5141-2, 5151. Rotenberg (Deputy Chairman).

Note:- In this instance an amendment was ruled in order which proposed to alter a condition mentioned, but not changed by the bill.

- c) October 23, 1979. Debates, pp.3786-7. Edighoffer (Chairman).
- d) June 16, 1980 (Three separate rulings). Debates, pp.2882-3, 2899, 2917, 2919, 2920. Edighoffer (Chairman).
- e) October 21, 1980. Debates, pp.3601-6. Edighoffer (Chairman).
- f) November 24, 1981 (Five separate rulings). Debates, pp.3855, 3857-60. Cureatz (Chairman).
- g) June 1, 1984. Debates, p.2067. Robinson (Acting Chairman).

17.3 Motion to delete entire section of a bill is out of order; motion to delete subsection is in order.

- a) November 9, 1982. Debates, p.5043. Cureatz (Chairman).
- b) December 2, 1982. Debates, pp.5745-6. Cousens (Deputy Chairman).

- c) November 9, 1984. Debates, p.4029. Cousens (Deputy Chairman).
- d) June 19, 1986. Debates, p.1640. Treleaven (Chairman).
- 17.4 Unanimous consent required to revert to section previously passed by Committee.
 - a) January 9, 1986. Debates, p.2921. Treleaven (Chairman).
 - b) January 9, 1986. Debates, p.2924. Treleaven (Chairman).
 - c) June 17, 1986. Debates, pp.1506-8. Morin (Deputy Chairman).
 - d) June 8, 1987. Debates, p.1167, 1177-8. Treleaven (Chairman).
- 17.5 Amendment out of order if it is beyond the scope of the bill.
 - a) June 8, 1987. Debates, p.1175. Treleaven (Chairman).
- 17.6 Amendment to add preamble to bill which does not contain one is out of order.
 - a) June 24, 1987. Debates, pp.1670-1. Morin (Deputy Chairman).

AMENDMENTS TO A REPORTED BILL

- 18.1 Amendments to a reported bill must be reprinted before further consideration.
 - a) April 7, 1904. Journals, p.243. Charlton.
 - b) December 13, 1973. Debates, pp.7228-9. Reuter.
- 18.2 An amendment proposing to recommit a bill to a committee must contain definite instructions to the committee.
 - a) January 19, 1869. Journals, p.113. Stevenson.
 - b) April 7, 1904. Journals, pp.243-4. Charlton.
- 18.3 Once a committee report on a bill has been adopted by the House, the bill may not be recommitted so as to restore a section of the bill deleted by the committee.
 - a) July 10, 1975. Journals, p.121. Debates, pp.3879-80, 3889-94. Rowe.
- 18.4 Amendment for recommitment of bill at third reading is out of order if it substantially repeats a matter dealt with in Committee of the Whole.

- a) March 31, 1949. Journals, pp.180-1. Debates, pp.1732-3. Davies.
- 18.5 Recommittal of bill to committee – procedure.
 - a) June 3, 1987. Debates, pp.1041-2. Edighoffer.
- 18.6 Recommittal of bill to a committee – examples.
 - a) June 3, 1987. Debates, p.1047, 1051. Edighoffer.
 - b) June 29, 1987. Debates, p.1791. Treleaven (Deputy Speaker).

AMENDMENTS AT THIRD READING

(See also **HOIST AMENDMENTS; REASONED AMENDMENTS; and AMENDMENTS AT SECOND READING**)

- 19.1 An amendment at Second or Third Reading that merely proposes to add to the question is out of order.
 - a) May 25, 1893. Journals, pp.188-9. Ballantyne.

Note:- The ruling by Speaker Evanturel on April 12, 1901, contradicts this ruling; however, it seems of dubious validity. (Journals, p.225-7).
- 19.2 Amendment at third reading, the substance of which was dealt with by the Committee of the Whole House, is out of order.
 - a) March 31, 1949. Journals, pp.180-1. Debates, pp.1732-3. Davies.

AMENDMENTS TO PRIVATE BILLS

- 20.1 Procedure for amending a private bill to include provisions not embraced in the notice of application.
 - a) March 19, 20-22, 1873. Journals, pp.263, 296-8, 307. Currie.

AMENDMENTS TO PRIVATE MEMBERS' RESOLUTIONS

- See "PRIVATE MEMBERS' BUSINESS"

AMENDMENTS TO SUBSTANTIVE COMMITTEE REPORTS

21.1 Substantive reports from committees may be amended.

- a) November 22, 1979. Debates, p.4751. Edighoffer (Chairman).

Note:- In the Canadian House of Commons, a report from a committee is not amendable (Beauschene, p.205). In Ontario, committee reports have been amended, both in the House (April 25, 1978; December 7, 1978; December 14, 1978, November 8, 1979, and December 4, 1980) and in the Committee of the Whole House (November 22, 1979).

21.2 On the requirement for notice of amendment to substantive committee reports.

- a) December 7, 1978. Debates, pp.5807-19. Edighoffer (Deputy Speaker).

Note:- In this instance it was ruled that amendments to substantive committee reports require notice; however, in the other instances cited in 21.1, no notice of amendment was given or required.

BILLS, FIRST READING

Until 1969, notice was required prior to the introduction of a bill; similarly until 1976 consent of the House was required for the withdrawal of a bill. Changes to the Standing Orders on those points have rendered obsolete Speakers' rulings of April 1, 1914, and February 12, 1930.

22.1 A bill may be introduced which is substantially the same as a bill which was withdrawn earlier in the session.

- a) March 31, April 1, 1921. Journals, pp.214, 217-8. Parliament.

- b) April 17, 1969. Journals, p.114. Cass.

22.2 A bill may not be introduced if its subject matter is before a committee.

a) January 25, 1923. Journals, pp.13-4. Parliament.

Note:- This ruling is probably obsolete; there are many recent illustrations of bills being introduced while committees considered the general subjects of the bills.

22.3 Private members have right to introduce bills coming under the Legislative Authority of the Province.

a) April 9, 1920. Journals, p.135. Parliament.

22.4 No debate at first reading.

a) March 17, 1914. Journals, p.87. Hoyle.

22.5 No long speeches on introduction of bill.

a) March 3, 1965. Debates, pp.934-5. Morrow.

b) May 18, 1979. Debates, p.2094. Edighoffer (Deputy Speaker).

c) December 12, 1980. Debates, p.5321. Stokes.

d) December 16, 1985. Debates, p.2472. Edighoffer.

e) May 27, 1986. Debates, p.900. Edighoffer.

22.6 Compendium of background information should accompany introduction of bill, if any information is available.

a) April 26, 1977. Debates, p.901. Rowe.

b) July 5, 1977. Debates, p.351. Rowe.

c) December 13, 1983. Debates, p.3998. Turner.

22.7 Compendium of background information compiled according to discretion of minister.

a) June 11, 1979. Journals, p.120. Debates, p.2751. Stokes.

22.8 Defeat of a motion for first reading of a bill does not prevent a motion for first reading of the same bill being made and carried in the same session.

a) May 25, 1981. Journals, pp.66-7. Debates, pp.923-4. Turner.

22.9 Member introducing bill may make explanatory statement prior to question being put on motion for first reading.

a) November 26, 1981. Debates, pp.3918-9. Turner.

b) December 3, 1981. Debates, pp.4149-50. Turner.

- 22.10 First reading of a bill does not constitute the House's "decision" on the bill.
- a) May 13, 1983. Debates, p.725. and May 17, 1983. Journals, pp.50-1. Debates, p.799. Turner.
- 22.11 Member introducing another private member's public bill with unanimous consent.
- a) November 20, 1986. Debates, p.3511. Edighoffer.

BILLS, SECOND READING

(See also AMENDMENTS AT SECOND READING)

The adoption of the new Standing Order (now S.O. 60) in 1970 permitting ministers or parliamentary assistants a right of reply in Second Reading Debate rendered obsolete the agreement on ministers' participation in Second Reading debate read by Speaker Morrow on March 30, 1966. (Debates, pp.2087-8).

- 23.1 Minister announcing proposed amendments does not alter second reading.
- a) November 13, 1969. Journals, p.239. Debates, pp.8344-5. Cass.
- 23.2 Amendments to details of bill are out of order at second reading.
- a) March 22, 1965. Debates, p.1488. Morrow.
- 23.3 Reply by minister closes second reading debate even if minister had no remarks upon moving second reading.
- a) November 6, 1979. Debates, pp.4270-3. Stokes.
- 23.4 Debate at second reading not permitted on principle omitted from the bill.
- a) July 10, 1968. Debates, pp.5430-1. Cass.
- b) December 10, 1980. Debates, p.5170. Stokes.
- 23.5 Speaker must give every opportunity to members to speak in second reading debate, before allowing minister's reply to end the debate.
- a) June 15, 1981. Debates, pp.1588-9. Cousens (Acting Speaker).

23.6 Bill referred to standing committee when it has received Second Reading. Procedure for determining appropriate committee.

a) June 1, 1982. Journals, p.106. Debates, p.2245. Turner.

b) June 25, 1987. Debates, p.1750. Treleaven (Deputy Speaker)

(example of 20 members rising in their places).

23.7 Parliamentary assistant carrying a bill must be parliamentary assistant to the minister in whose name the bill stands (except with unanimous consent).

a) November 1, 1984. Debates, pp.3761-2; 3767. Cousens (Acting Speaker).

BILLS, COMMITTEE STAGE

24.1 Sections of a bill considered in committee must be dealt with in sequence commencing with first section (Reversal by House of Speaker's decision).

a) December 9, 1868. Journals, p.59. Stevenson.

Note:- It is now common for discussion of particular sections to be "stood down" for later consideration, so that this ruling has lost most of its force.

24.2 A bill being considered by the Committee of the Whole does not lapse, if the Committee rises without reporting.

a) February 8, 10, 1871. Journals, pp.133, 137-9. Scott.

24.3 On reference of private members' public bills to committee.

a) April 6, 1904. Journals, pp.238-9. Charlton.

Note:- This ruling is only marginally relevant to current practice.

24.4 A committee cannot substitute a new bill for one which has been referred to it.

a) May 28, 1920. Journals, p.364. Parliament.

24.5 After committee report on bill is adopted, House may not refer bill back to committee with instructions to restore a section of the bill deleted by the committee.

a) July 10, 1975. Journals, p.121. Debates, pp.3879-80, 3889-94. Rowe.

- 24.6 Instance of a standing committee recommending that a bill not be reported (not a ruling).
a) December 19, 1979. Journals, p.254.
- 24.7 Unanimous consent required to bypass committee stage and order bill for Third Reading.
a) July 5, 1977. Debates, pp.391-2. G.E. Smith (Acting Speaker).
- 24.8 Amendments to bill in committee must not alter principle of the bill. (See 17.1)
- 24.9 Amendments to bill in committee must be relevant to particular sections of the bill. (See 17.2)
- 24.10 Once committee report on a bill is adopted, it cannot be recommitted with instructions which effectively reverse committee report.
a) April 27, 1900. Journals, p.227. Evanturel.
- 24.11 Instructions to committee with respect to a bill may not seek to reverse the principle of the bill, as agreed to at Second Reading.
a) April 6, 7, 1949. Journals, pp.205, 206, 212-214. Hepburn.
b) June 7, 1965. Journals, p.153. Debates, p.3732. Morrow.
- 24.12 Contents of bill must be relevant to and subject to the umbrella which is raised by the terminology of the long title of the bill.
a) June 12, 1984. Debates, pp.2451-55 and June 18, 1984. Debates, p.2540. Treleaven (Acting Chairman).

BILLS, THIRD READING

(See also AMENDMENTS AT THIRD READING)

- 25.1 Amendment at Third Reading, the substance of which was dealt with by the Committee of the Whole House, is out of order.
a) March 31, 1949. Journals, pp.180-1. Debates, pp.1732-3. Davies.
- 25.2 Debate on Third Reading may not proceed until bill is reprinted as amended by committee.

- a) December 13, 1973. Journals, pp.224-5. Debates, pp.7228-9. Reuter.
- 25.3 On Third Reading debate repeating matters raised at Second Reading and in committee.
 - a) June 29, 1972. Debates, p.4666. Reuter.
 - b) December 11, 1979. Debates, pp.5377-9. Edighoffer (Deputy Speaker).
 - c) January 25, 1983. Debates, p.6838. Cureatz (Deputy Speaker).
 - d) April 26, 1984. Debates, pp.991-4. Jones (Deputy Speaker).
- 25.4 On procedure for calling Third Reading on same day as Second Reading.
 - a) November 28 and 29, 1973. Journals, p.191. Debates, pp.6267-82. Reuter.
- 25.5 General.
 - a) January 25, 1983. Journals, pp.297-300. Debates, p.6838. Cureatz (Deputy Speaker).
 - b) January 25, 1983. Journals, pp.297-300. Debates, p.6844. Cousens (Acting Speaker).
 - c) February 23, 1983. Journals, pp.336-43. Debates, p.7951. Cureatz (Deputy Speaker).
 - d) December 13, 1983. Journals, pp.210-13. Debates, pp.4057-8. Jones (Deputy Speaker).

BILLS, "MONEY" (See also Resolutions, Financial; Amendments Relating to Expenditure; Amendments Relating to Revenue)

A) Timing of Lieutenant-Governor's Recommendation.

Speakers' rulings of January 20, 1873, and May 2, 1923, indicated that no Government bill could even be introduced without the Lieutenant-Governor's recommendation (somewhat contrary rulings were recorded on December 9, 1868, and January 15, 1883).

On February 19, 1936, Speaker Hipel ruled that both a close reading of the Standing Orders and a review of actual practice

made it clear that the Lieutenant-Governor's recommendation was not necessary until second reading.

Since Standing Order 15 now reads:

Any Bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds, shall not be *passed* by the House unless recommended by a message from the Lieutenant-Governor, and shall be proposed only by a minister of the Crown.

the issue would seem to be settled.

B) Private Members' Bills.

For many years, private members' bills (which would not of course have the Lieutenant-Governor's recommendation) were ruled out of order for "interfering" with provincial revenue or for attempting to direct the expenditure of public funds. Examples of such rulings are:

March 13, 1902 (Journals, p.250. Evanturel.); March 3 and 10, 1913; March 25, 1914; May 12, 1920 (Journals, p.263. Parliament.); March 20, 1922; April 7 and 22, 1922; February 28, 1923 (Journals, pp.133-4. Parliament.); March 16, 1923 (Journals, pp.218-25. Parliament.); April 13 and 27, 1923 (Journals, p.353. Parliament.); March 29 and 31, 1926.

A number of these bills were ruled out of order despite the fact that their aim was to *reduce* taxation or expenditure. On March 23, 1949, Speaker Davies ruled that a bill proposing to reduce the payment to members of the Executive Council from \$10,000 to \$8,000 per year, was beyond the prerogative of a private member. On December 14, 1961, however, Speaker Murdoch ruled in order a bill aimed at lowering taxation.

In his ruling of December 6, 1968, Speaker Cass defined a money bill as "any bill, the real purpose of which is to raise, repeal, abate or direct the appropriation of the public revenue". He further indicated that a bill enlarging the "class of persons eligible" for payments out of public revenue was a money bill and hence outside the competence of a private member.

Although this ruling was supported by a ruling of June 27, 1969, more recent rulings in the Committee of the Whole (relating to amendments) seem to have established the principle that private members may seek to reduce taxation or expenditure. (See rul-

ings of June 2, 1966; December 5, 1969; July 4, 1977; similarly, the reasoning in other rulings in which amendments proposed by private members were ruled out of order suggests that the central issue is whether the measure seeks to increase or reduce revenue/expenditure.)

Over the past decade, several private members' bills have been introduced which would either reduce taxation (principally municipal taxation) or would extend the eligibility for certain public payments without making them mandatory:

Bill 51 (1975), An Act to Limit Mill Rate Increases

Bill 11 (1979), An Act to amend The Family Benefits Act

Bill 183 (1979), An Act to amend The Assessment Act

Bill 27 (1980), An Act to amend the Compensation for Victims of Crime Act, 1971

Bill 80 (1980), An Act to amend The Family Benefits Act

Bill 211 (1980), An Act to amend The Assessment Act

Several of these are only the most recent version of identical bills introduced a number of times over the years.

On the expenditure side, the difficulty arises only with measures aimed at specifically directing "the allocation of public funds"; traditionally, Private Members' Bills to set up government machinery or to do other things which would indirectly require large sums of public money have been permitted (See the ruling of April 7, 1971).

26.1 On the timing of Lieutenant-Governor's recommendation.

- a) December 9, 1868. Journals, p.59. Clarke (Chairman).
- b) January 20, 1873. Journals, p.38. Currie.
- c) January 17, 1883. Journals, p.41. Clarke.
- d) May 3, 1923. Journals, pp.392, 396. Parliament.
- e) February 19, 1936. Journals, pp.11, 21-3. Hipel.

26.2 On the nature of a "money bill".

- a) December 6, 1968. Journals, pp.27-8. Debates, pp.345-6. Cass.
- b) June 27, 1969. Journals, pp.197-8. Debates, pp.6390-1. Cass.

- 26.3 Private members' bills ruled out of order for being money bills (for dates of earlier illustrations, see above).
- a) March 2, 1944. Journals, pp.30-1. Stewart.
 - b) March 23, 1949. Journals, pp.136-7. Davies.
 - c) October 10, 1969. Journals, p.210. Cass.
 - d) December 6, 1968. Journals, pp.27-8. Debates, pp.345-6. Cass.
 - e) October 12, 1973. Journals, pp.142-3. Reuter.
 - f) May 17, 1979. Journals, p.89. Stokes.
 - g) June 21, 1983. Journals, p.103. Debates, pp.1887-8. Turner.
- 26.4 Private member's bill proposing to reduce revenue is in order.
- a) December 14, 1961. Debates, pp.431-2. Murdoch.
- 26.5 Bill authorizing the setting of insurance premiums by regulation is not a tax bill.
- a) June 27, 1969. Journals, pp.197-8. Debates, pp.6390-1. Cass.
- 26.6 If only one section of a bill is *ultra vires* of a private member, that section may be eliminated from the bill and the bill considered.
- a) March 25, 1914. Journals, p.133. Hoyle.
- 26.7 Bill which causes indirect expenditure of public funds ruled in order.
- a) April 7, 1971. Debates, p.301. Cass.
- 26.8 Private member's bill which confers no new power on government, but which makes certain expenditures permissive, cannot be considered as directing expenditure.
- a) May 25, 1981. Journals, p.67. Turner.

BILLS, PROCEDURE

- 27.1 Bill cannot receive more than one reading per day without unanimous consent.
- a) May 28, 1920. Journals, p.364. Parliament.
- Note:- However, see Standing Orders for restrictions on this ruling.

- 27.2 Unanimous consent required to bypass committee stage and order bill for Third Reading.
 - a) July 5, 1977. Debates, pp.391-2. G.E. Smith (Acting Speaker).
- 27.3 On procedure for calling Third Reading on same day as Second Reading.
 - a) November 28 and 29, 1973. Journals, p.191. Debates, pp.6267-82. Reuter.
- 27.4 Debate on Third Reading may not proceed until bill is reprinted as amended by Committee.
 - a) December 13, 1973. Journals, pp.224-5. Debates, pp.7228-9. Reuter.
- 27.5 More than one stage of bill may be considered in one sitting if sitting extends into second day.
 - a) April 9, 1935. Journals, p.183. Hipel.
- 27.6 Illustrations of bills which were ruled not to be the same, and therefore both permitted to remain on the Orders and Notices paper.
 - a) November 19, 1981. Debates, p.3647. Turner.
 - b) November 26, 1981. Debates, pp.3920-1. Turner.
- 27.7 Motion to allocate time on stages of bill.
 - a) December 8, 1982. Journals, pp.256-8. Debates, pp.5939-45. Turner.
 - b) February 15, 1983. Journals, pp.326-8. Debates, pp.7643, 7678-9. Turner.
 - c) June 25, 1984. Journals, pp.144-7. Debates, pp.2826-29. Turner.
 - d) June 19, 1986. Debates, pp.1616-27.
- 27.8 Right of government to introduce one bill on opening day of session before taking up business placed before House by Crown.
 - a) February 19, 1936. Journals, pp. 11, 21-3. Hipel.
 - b) January 19, 1937. Journals, pp.9-10. Hipel.
- 27.9 Bill debated despite its reference to a bill which had been withdrawn.
 - a) December 7, 1972. Debates, pp.5350-3. Reuter.

27.10 House decides whether to refer a bill to the Committee of Whole, a standing or a select committee.

- a) March 30, April 6, 1904. Journals, pp.230, 238-9. Charlton.

Note:- See Standing Order 61(c) for practice today.

27.11 Bill referred to committee during Recess between Sessions to be reported in new Session from Committee which considered bill during Recess.

- a) March 27, 1984. Debates, p.121; April 3, 1984. Debates, p.343; April 5, 1984. Journals, pp.35-6. Turner.

27.12 Withdrawal procedure.

- a) October 29, 1985. Debates, p.1171. Edighoffer.
b) November 18, 1985. Debates, p.1568. Edighoffer.
c) June 5, 1986. Debates, p.1234. Edighoffer.

27.13 Unanimous consent required for more than 1 bill to be debated at a time.

- a) January 9, 1986. Debates, p.2907. Treleaven (Deputy Speaker).

27.14 Bill reported from standing committee with amendments. Procedure before bill considered further.

- a) May 7, 1986. Debates, p.368. Edighoffer.

BILLS, RECOMMITAL TO COMMITTEE – See 18, 24. CENSURE

31.1 Motion of censure is a substantive motion requiring notice; it is dealt with as a private member's motion.

- a) May 27, 1975. Journals, p.75. Debates, pp.2229-31. Rowe.
b) November 6, 11, 1981. Debates, pp.3275-7. Turner.

Note:- These rulings supersede a ruling of March 18, 1936 (See Journals, p.117-8).

31.2 Procedure for dealing with member's statement which impugns accuracy of another member's statement.

- a) May 10, 1984. Debates, p.1378. Turner.

CLOSURE

Note:- On April 28, 1986, the term "Previous Question" was changed to "Closure".

32.1 Previous question may be moved when an amendment is under consideration.

a) November 3, 1981. Debates, pp.3174-80. Turner.

Note:- This supersedes ruling of March 5, 1874. (See Journals, pp.47, 104, 107-9. Wells.) .

b) February 18, 1983. Debates, pp.7811-3. Cureatz (Chairman).

c) February 21, 1983. Debates, p.7868. Cureatz (Chairman).

d) February 21, 1983. Debates p.7876. Cureatz (Chairman).

e) February 22, 1983. Debates, p.7926. Cousens (Deputy Chairman).

32.2 The previous question is not debatable.

a) March 24, 1937. Journals, pp.178-179. Hipel.

32.3 Once a motion to put the previous question has been negatived, the previous question may not be moved again until some intermediate proceeding has taken place (not simply more speakers on the original question).

a) June 4, 1979. Debates, pp.2549-51. Stokes.

32.4 Once the previous question has been moved, no points of order may be raised; the question must be put forthwith.

a) November 3, 1981. Debates, pp.3174-80. Turner.

32.5 Instance of ruling that moving of the "previous question" does not infringe the rights of the minority.

a) December 9, 1982. Debates, pp.6020-2. Cureatz (Deputy Speaker).

b) February 21, 1983. Debates, p.7868. Cureatz (Chairman).

32.6 Previous question may be moved in Committee. (See, April 2, 1947, Debates, pp.829-30, where the previous question motion was moved in committee. The committee rose and reported to the House and the question on the closure motion was put. The House then resolved itself into a committee and the question on the main motion was put.)

- a) February 18, 1983 (example). Debates, pp.7811-3. Cureatz (Chairman).
- b) February 21, 1983 (example). Debates, p.7868. Cureatz (Chairman).
- c) February 21, 1983 (example). Debates, p.7876. Cureatz (Chairman).
- d) February 22, 1983. Debates, pp.7905-6. Cousens (Deputy Chairman).
- e) February 22, 1983. Debates, p.7925. Cureatz (Chairman).
- f) February 22, 1983. Debates, p.7926. Cousens (Deputy Chairman).

COMMITTEES OF THE WHOLE HOUSE

33.1 Appeal to House from Chairman's Decision.

- a) March 14, 1947. Journals, p.75. Debates, pp.113-7. Stewart.
- b) March 30, 1982. Debates, pp.398-9.
- c) December 8, 1983. Journals pp.204-5. Debates, pp.3883-5. Jones (Chairman).
- d) February 11, 1986. Debates, p.4055. Treleaven (Chairman).

Note:- Incorrect procedure followed in this case.

33.2 Motion to adjourn not in Order; proper motion to rise and report.

- a) October 11, 1983. Debates, pp.2032-3. Jones (Chairman).

33.3 No practice for opening statements on consideration of Bill in committee.

- a) October 23, 1984. Debates, p.3470. Cousens (Deputy Chairman).

33.4 Members must stand if they wish to speak in committee.

- a) June 9, 1986. Debates, p.1289. Treleaven (Chairman).

COMMITTEES – SUPPLY

Since the supply procedures were streamlined in 1970, Speakers' rulings of March 12, 1874, May 25, 1893, and March 7, 1895, relating to the motion that the Speaker do now leave the Chair, or that the House resolve itself into Committee of Supply are

obsolete. Similarly, the ruling of November 13, 1973, on time allocation of Estimates, has been rendered obsolete by the 1978 changes to the Standing Orders relating to Supply.

34.1 Motions in Committee of Supply may only pertain to the specifics of the Estimates under review; motions expressing opinions or urging actions are out of order.

a) June 2, 1966. Debates, pp.4172-4. Reilly (Chairman).

34.2 Committees – Appeal to House from Chairman's decision.

a) March 30, 1982. Debates, pp.398-9. Harris (Chairman).
(procedure to be followed).

34.3 Naming Member

a) December 6, 1982. Journals p.251. Debates, pp.5848-9. Robinson (Acting Chairman).

COMMITTEES – WAYS AND MEANS

The Committee of Ways and Means was abolished in 1970, so that the Speaker's Ruling of March 7, 1945, is obsolete.

STANDING COMMITTEES – TERMS OF REFERENCE

35.1 Standing committees may meet to hear deputations or to receive background briefing from ministry officials without reference from the House.

a) February 25, 1969. Journals, pp.58-9. Cass.

35.2 Standing committees may not initiate inquiries or investigations unless specifically ordered by the House.

a) February 25, 1969. Journals, pp.58-9. Cass.

35.3 Standing committees may not report on matters not referred to them by the House.

a) December 5, 1969. Journals, p.270. Debates, p.9387. Cass.

Note:- In none of the four sessions of the Thirty-First Parliament were the Standing Committees empowered or instructed to report to the House, although they did so regularly.

35.4 Committees may request the House for authority to investigate a certain matter.

a) April 20, 1971. Journals, pp.35-6. Cass.

35.5 On summoning boards and commissions before standing committees.

a) June 3, 1974. Journals, pp.86-7. Debates, pp.2750-1. Reuter.

35.6 Motion to refer a matter to a committee is a substantive motion requiring notice.

a) May 20, 1971. Journals, pp.74-5. Cass.

35.7 Authority of members in committee cannot be extended to non- members.

a) February 18, 1943. Journals, pp.18-19. Clark.

35.8 No automatic 10.30 adjournment for committees.

a) June 30, 1981. Debates, pp.2292-4. Turner.

COMMITTEES – MEMBERSHIP AND PRESENCE OF NON-MEMBERS

36.1 Ministers may be members of committees.

a) April 15, 1971. Journals, pp.27-8. Debates, pp.449-50. Cass.

b) April 27, 1971. Journals, pp.44-5. Cass.

36.2 Members of the House who are not members of specific committees may participate in committee discussions with approval of committee.

a) December 8, 1975. Journals, p.48. Debates, pp.1241-2. Rowe.

Note:- In this ruling, Speaker Rowe indicated that this principle has not been followed in select committees. Now see Standing Order 106.

36.3 On exclusion of strangers from committee proceedings.

a) June 14, 1972. Journals, pp.122-3. Debates, p.3572. Reuter.

Note:- This ruling decreed that only the House could exclude strangers from committees; since Standing Or-

der 7 now reads: "All strangers may be excluded from the House or any Committee thereof on a motion properly moved and adopted by the House or the Committee, as the case may be.", this ruling is obsolete.

COMMITTEES – REPORTS

37.1 Minority reports from committees not in order.

- a) April 1, 1926. Journals, p.251. Thompson.
- b) April 5, 1939. Journals, pp.89-90. Clark.

37.2 If member objects to a committee report it is in order for him to move that the matter be referred back to the committee for further consideration.

- a) April 2, 1891. Journals, p.70. Ballantyne.

Note:- This ruling was made with respect to a committee report recommending suspension of a Standing Order; it is of uncertain relevance for current practice.

37.3 Motion for concurrence in or adoption of committee report which contains nothing requiring either concurrence or adoption is out of order.

- a) May 25, 1893. Journals, p.181. Ballantyne.

37.4 Committee report recommending extension of time limit for reporting may only be adopted immediately after presentation by unanimous consent.

- a) October 6, 1980. Debates, pp.3123-4. Stokes.

37.5 A committee report, once adopted, is assumed to be in the members' hands.

- a) February 14, 1884. Journals, p.66. Clarke.

37.6 Committee reports need not be signed by members of the committee.

- a) October 15, 1981. Debates, pp.2534-6, 2555. Turner.

37.7 Dissenting opinions included in committee report at committee's discretion.

- a) November 3, 1981. Debates, pp.3136-8. Turner.

Note:- Standing Order 110(c) now provides that a member of a committee has the right to have included in the committee's report any dissenting opinions.

- 37.8 Chairman may make brief statement when presenting report.
- a) April 1, 1982. Debates, p.463. Turner.
- 37.9 On the proper procedure for moving adoption of substantive Committee report.
- a) May 31, 1979. Debates, pp.2382-5. Stokes.
- 37.10 Chairman presenting committee report for adoption must move adjournment of the debate, but it is in order for House to defeat the motion and the debate adoption of report.
- a) November 20, 1980. Debates, pp.4453-8, 4463-74. Stokes.
- b) October 14, 1986. Debates, pp.2431-44. Edighoffer.
- 37.11 Report from committee that it would not proceed with consideration of a certain bill, but would report it to the House ruled in order.
- a) November 25, 1982. Journals, p.234. Debates, pp.5483-4, 5489. Turner.

COMMITTEES – WITNESSES

- 38.1 Procedure for calling witnesses.
- a) February 25, 1969. Journals, pp.58-9. Cass.
- b) May 31, 1984. Journals, pp.108-9. Debates, p.1974. Turner.
- 38.2 Non-attendance of witnesses is a matter for the House, not the Speaker, to deal with.
- a) May 25, 1981. Journals, pp.65-6. Turner.
- 38.3 Attendance of ministry staff at Estimates.
- a) May 29, 1984. Debates, pp.1903-7.
- b) May 31, 1984. Journals, pp.108-9. Debates, p.1974. Turner.

COMPENDIUM

39.1 Material in compendium of information is assembled at the government's discretion; not up to Speaker to rule on its acceptability.

- a) June 11, 1979. Journals, p.120. Debates, p.2751. Stokes.
- b) November 3, 1981. Debates, pp.3131-4. Turner.

CONFIDENCE

40.1 Not in order to move non-confidence by moving adjournment of the House.

- a) April 7, 8, 1970. Journals, pp.71-4. Debates, pp.1192-5. Cass.

40.2 Address to Lieutenant-Governor on confidence in government.

- a) December 18, 1871. Journals, pp.28-31.

40.3 Instance of confidence motion purporting to be under the Supply provisions of the Standing Orders.

- a) December 17, 1973. Journals, p.228. Debates, p.7370. Reuter.

40.4 Motion of confidence brought in by the government.

- a) June 16, 1976. Journals, pp.125-6. Debates, pp.3411-49. Rowe.

40.5 Motion to amend Address in Reply to the Speech from the Throne. (defeat of government).

- a) June 7, 1985. Debates, pp.74, 83. Edighoffer.
- b) June 18, 1985. Journals, pp.35-9. Debates, pp.392-3. Edighoffer.

40.6 Motion that the government enjoys the confidence of the House.

- a) July 4, 1985. Journals, pp.40-6. Debates, pp.466-486. Edighoffer.

CONFLICT OF INTEREST

41.1 Member's right to vote may only be questioned on grounds of pecuniary interest.

- a) August 19, 1898. Journals, p.21. Evanturel.
- 41.2 Procedure for objecting to member's vote on pecuniary grounds.
 - a) August 19, 1898. Journals, p.21. Evanturel.
 - b) April 22, 1904. Journals, pp.285-90. Charlton.
 - c) May 16, 1968. Journals, pp.130-1. Debates, p.3022. Cass.
- 41.3 Motion objecting to member's vote on pecuniary grounds may name only one member.
 - a) April 22, 1904. Journals, pp.285-90. Charlton.
 - b) May 16, 1968. Journals, pp.1301-1. Debates, p.3022. Cass.
- 41.4 Motion to disallow member's vote can only be made after division, not anticipated.
 - a) May 16, 1968. Journals, pp.130-1. Debates, p.3022. Cass.
- 41.5 Motion to disallow member's vote can only be made when division has occurred.
 - a) May 16, 1968. Journals, pp.130-1. Debates, p.3022. Cass.
- 41.6 Members' interest in bill declared not to require deletion of their vote since bill was of a public nature.
 - a) December 22, 1869. Journals, p.152. Stevenson.
- 41.7 Procedure for member to declare a conflict of interest.
 - a) October 25, 1983. Journals, p. 144. Debates, p. 2418. Turner.
 - b) December 14, 1983. Debates, pp. 4074-6. Jones (Deputy Chairman).
 - c) December 15, 1983. Debates, pp. 4203-4. Turner.
- 41.8 Minister resigns over allegations involving spouse. Matter referred to Public Accounts Committee.
 - a) June 16, 1986. Debates, pp.1466-7, 1468-9. Edighoffer.
- 41.9 Minister resigns over allegations involving conflicts of interest. Matter referred to the Legislative Assembly Committee.
 - a) June 26, 1986. Debates, pp.1999-2002. Edighoffer.
 - b) July 2, 1986. Debates, p.2061. Edighoffer.

CRITICS

42.1 Special consideration granted "critics" allowed to more than one member of a party.

- a) June 4, 1979. Debates, p.2510. MacBeth (Deputy Chairman).

DEBATE

In 1970, French was established as a language of debate in the Assembly, thereby rendering obsolete the Speaker's ruling of February 15, 1968, requiring an advance translation of remarks in French.

On April 10, 1913, Speaker Hoyle ruled that no debate could be permitted on concurrence in supply. On April 14, 1913, he expressed some reservations as to this ruling; Clerk A.C. Lewis, in an annotation to the Speakers' Rulings (p.72), expressed the view that the original ruling was correct. Since S.O. 54(a) makes provision for debate on concurrence, the question would seem to be settled.

43.1 Member called to order for quoting at unnecessary length from documents.

- a) May 8, 1979. Debates, pp.1758-61. Edighoffer (Deputy Speaker).
- b) June 12, 1984. Debates, pp.2457-9. Robinson (Acting Speaker).
- c) June 12, 1984. Debates, pp.2461-2. Turner.
- d) November 19, 1985. Debates, p.1656. Treleaven (Deputy Speaker).
- e) December 5, 1985. Debates, pp.2155-6, 2170-3. Treleaven (Deputy Speaker).
- f) November 20, 1986. Debates, p.3517. Treleaven (Deputy Speaker).
- g) November 24, 1986. Debates, p.3585. Treleaven (Deputy Speaker).

43.2 Member may read excerpts from letters and documents but not whole documents.

- a) February 4, 1986. Debates, p.3820. Treleaven (Deputy Speaker).

- 43.3 Reply by Minister closes Second Reading debate even if minister had no remarks upon moving Second Reading.
a) November 6, 1979. Debates, pp.4270-3. Stokes.
- 43.4 Debate on hoist motion must focus on hoist rather than on principle of the bill.
a) May 21, 1969. Journals, pp.150-1. Debates, pp.4619-22. Cass.
- 43.5 Debate on motion for interim supply may be wide-ranging and not confined to extension of time.
a) October 30, 1979. Debates, pp.3979-80. Stokes.
- 43.6 Quoting at length from documents permissible if documents authored by member.
a) April 29, 1980. Debates, p.1297. Stokes.
b) June 12, 1984. Debates, p.2461-2. Turner.
- 43.7 On debate in language other than English or French.
a) October 24, 1980. Debates, pp.3729-30. MacBeth (Deputy Chairman).
b) June 22, 1981. Debates, p.1943. Turner.
c) May 25, 1987. Debates, p.712. Edighoffer.
- 43.8 Debate at Second Reading not permitted on principle omitted from the bill.
a) July 10, 1968. Debates, pp.5430-1. Cass.
b) December 10, 1980. Debates, p.5170. Stokes.
- 43.9 Remarks which would otherwise have been ruled out of order as irrelevant allowed with leave of the House.
a) January 12, 1869. Journals, p.97. Stevenson.
- 43.10 Members may only make remarks from their own seats.
a) December 7, 1972. Debates, p.5301. Reuter.
b) December 7, 1981. Debates, p.4316. Cousens (Acting Speaker).
c) June 19, 1986. Debates, p.1651. Edighoffer.
d) June 20, 1986. Debates, p.1745. Morin (Acting Speaker).
e) December 9, 1986. Debates, p.4075. Treleaven (Chairman) (Minister permitted to speak from seat other than his own with unanimous consent).

- 43.11 Procedure under Standing Order 19(b) whereby motion is made that a Member "do now speak".
 - a) October 20, 1981. Debates, pp.2699-702. Cureatz (Chairman).
- 43.12 Member permitted to read excerpts of document without indicating author.
 - a) February 18, 19, 1879. Journals, pp.105-9. Wells.
- 43.13 Debate on supplementary estimates must be confined to specific vote and item.
 - a) March 30, 1982. Debates, pp.398-9. Cousens (Deputy Chairman).
 - b) March 30, 1982. Debates, pp.433-5. Cureatz (Chairman).
 - c) April 2, 1982. Debates, pp.537-8. Cousens (Deputy Chairman).
 - d) April 5, 1982. Debates, pp.587-8. Cureatz (Chairman).
 - e) April 6, 1982. Debates, pp.618-9. Cureatz (Chairman).
- 43.14 In debate, member may only speak once to a question.
 - a) February 4, 1983. Debates, p.7253. Cousens (Acting Speaker).
 - b) February 10, 1983. Debates, p.7506. Robinson (Acting Speaker).
 - c) February 10, 1983. Debates, p.7514. Cousens (Acting Speaker).
 - d) June 13, 1984. Debates, p.2500. Robinson (Acting Speaker).
 - e) January 16, 1986. Debates, p.3137. Edighoffer.
 - f) November 18, 1986. Debates, p.3419. Edighoffer.
- 43.15 Member ordered to resume seat for repetition.
 - a) February 18, 1983. Debates, p.7804. Cousens (Deputy Chairman).
- 43.16 Members should address remarks through the Chair.
 - a) November 1, 1983. Debates, p.2688. Turner.
 - b) October 31, 1985. Debates, pp.1274-5, 1277, 1291. Treleaven (Deputy Speaker).
 - c) November 1, 1985. Debates, p.1322. Treleaven (Deputy Speaker).

- d) November 4, 1985. Debates, p.1365. Treleaven (Deputy Speaker).
- e) November 5, 1985. Debates, p.1430. Edighoffer.
- f) November 7, 1985. Debates, p.1490. Edighoffer.
- g) November 7, 1985. Debates, p.1494. Treleaven (Deputy Speaker).
- h) November 7, 1985. Debates, p.1498. Morin (Acting Speaker).
- i) November 19, 1985. Debates, p.1618. Morin (Acting speaker).
- j) November 19, 1985. Debates, p.1623. Treleaven (Deputy Speaker).
- k) November 19, 1985. Debates, p.1625. Treleaven (Deputy Speaker).
- l) November 21, 1985. Debates, p.1715. Treleaven (Deputy Speaker).
- m) November 26, 1985. Debates, p.1863. Treleaven (Chairman).
- n) December 2, 1985. Debates, pp.2027, 2028. Treleaven (Deputy Speaker).
- o) December 3, 1985. Debates, p.2078. Edighoffer.
- p) December 3, 1985. Debates, p.2094. Morin (Acting Speaker).
- q) December 5, 1985. Debates, p.2134. Morin (Acting Speaker).
- r) December 9, 1985. Debates, p.2264. Treleaven (Deputy Speaker).
- s) December 19, 1985. Debates, p.2645. Treleaven (Deputy Speaker).
- t) January 6, 1986. Debates, p.2785. Morin (Acting Speaker).
- u) January 7, 1986. Debates, p.2855. Morin (Acting Speaker).
- v) January 13, 1986. Debates, pp.2993; 3013. Treleaven (Deputy Speaker).
- w) January 14, 1986. Debates, p.3094. Treleaven (Deputy Speaker).
- x) January 14, 1986. Debates, p.3104. Morin (Acting Speaker).

- y) January 16, 1986. Debates, p.3176. Morin (Acting Speaker).
- z) January 20, 1986. Debates, p.3294. Treleaven (Deputy Speaker).
- aa) January 21, 1986. Debates, p.3320. Morin (Acting Speaker).
- ab) January 21, 1986. Debates, p.3327. Treleaven (Deputy Speaker).
- ac) January 21, 1986. Debates, p.3340. Treleaven (Deputy Speaker).
- ad) January 21, 1986. Debates, p.3348. Morin (Acting Speaker).
- ae) January 21, 1986. Debates, p.3351. Morin (Acting Speaker).
- af) January 23, 1986. Debates, p.3398. Treleaven (Deputy Speaker).
- ag) January 27, 1986. Debates, p.3492. Treleaven (Deputy Speaker).
- ah) January 27, 1986. Debates, p.3496. Edighoffer.
- ai) January 27, 1986. Debates, pp.3530, 3531. Treleaven (Deputy Speaker).
- aj) January 28, 1986. Debates, p.3592. Treleaven (Deputy Speaker).
- ak) February 4, 1986. Debates, p.3791. Treleaven (Deputy Speaker).
- al) February 6, 1986. Debates, p.3885. D.R. Cooke (Acting Chairman).
- am) April 25, 1986. Debates, p.61. Treleaven (Deputy Speaker).
- an) May 1, 1986. Debates, p.234. Treleaven (Deputy Speaker).
- ao) May 7, 1986. Debates, p.387. Treleaven (Deputy Speaker).
- ap) May 13, 1986. Debates, p.522. Edighoffer.
- aq) May 14, 1986. Debates, p.574. Morin (Acting Speaker).
- ar) May 21, 1986. Debates, p.730. Edighoffer.
- as) May 26, 1986. Debates, p.858. Morin (Acting Speaker).
- at) June 4, 1986. Debates, p.1183. Morin (Deputy Chairman).
- au) June 5, 1986. Debates, p.1209. Treleaven (Deputy Speaker).

- av) June 12, 1986. Debates, p.1400. Edighoffer.
 - aw) June 17, 1986. Debates, pp.1509, 1510. Treleaven (Chairman).
 - ax) June 17, 1986. Debates, p.1519. Treleaven (Chairman).
 - ay) June 18, 1986. Debates, p.1556. Morin (Deputy Chairman).
 - az) June 18, 1986. Debates, pp.1563-4. Morin (Deputy Chairman).
 - ba) June 19, 1986. Debates, p.1664. Morin (Acting Speaker).
 - bb) June 20, 1986. Debates, p.1707. Morin (Acting Speaker).
 - bc) June 20, 1986. Debates, pp.1716, 1717. Morin (Acting Speaker).
 - bd) June 20, 1986. Debates, p.1745. Morin (Acting Speaker).
 - be) October 20, 1986. Debates, p.2605. Treleaven (Deputy Speaker).
 - bf) October 20, 1986. Debates, p.2615. Treleaven (Deputy Speaker).
 - bg) October 22, 1986. Debates, p.2696. Edighoffer.
 - bh) October 23, 1986. Debates, p.2792. Treleaven (Deputy Speaker).
 - bi) November 26, 1986. Debates, p.3659. Edighoffer.
 - bj) November 26, 1986. Debates, p.3686. Treleaven (Chairman).
 - bk) November 27, 1986. Debates, p.3758. Morin (Deputy Chairman).
 - bl) May 7, 1987. Debates, p.292. Morin (Acting Speaker).
 - bm) May 12, 1987. Debates, p.405. Treleaven (Deputy Speaker).
 - bn) May 19, 1987. Debates, p.553, 555. Treleaven (Deputy Speaker).
 - bo) May 20, 1987. Debates, p.605. Morin (Acting Speaker).
 - bp) May 20, 1987. Debates, p.678. Treleaven (Deputy Speaker).
 - bq) June 4, 1987. Debates, p.1111. Treleaven (Deputy Speaker).
- 43.17 Members may ask a question of member speaking in debate with consent of such member.
- a) November 22, 1983. Debates, p.3279. Jones (Deputy Speaker).

- b) January 30, 1986. Debates, p.3674. Edighoffer.
- 43.18 Comments and Questions after member has spoken to relate to what member has stated.
 - a) May 5, 1986. Debates, p.285. Morin (Acting Speaker).
 - b) May 22, 1986. Debates, pp.814-5. Edighoffer.
- 43.19 Comments and Questions – Procedure to be followed when remarks completed at end of day.
 - a) May 6, 1986. Debates, p.320. Edighoffer.
- 43.20 Examples of extended remarks by member (filibuster).
 - a) April 18, 1923. Alec C. Lewis (4.75 hours) (Bill 178, See Legislative Library Press Clippings).
 - b) March 30, 1949; April 5, 1949. E.B. Joliffe (March 30 - 4.5 hours – 1.5 in afternoon and 3.0 in evening) (April 5 – 3.0 hours) (Bill 169, Charitable Gifts Act). (See Legislative Library Press Clippings).
 - c) June 8, 10, 22, 1982. Patrick J. Reid (8.5 hours) (June 8 – 5.0 hours – 2.5 in afternoon and 2.5 in evening) (June 10 – 2.5 hours) (June 22 – .5 hour) (Bill 111, Ontario Loan Act).
 - d) Michael J. Breaugh (11 hours and 34 minutes) (December 15, 1983 – 1 hour) (December 16, 1983 – 5 mins) (June 4, 1984 – 2.5 hours – CWH) (June 11, 1984 – 4 hours, 55 minutes – 2 hours 25 minutes in afternoon and 2.5 hours in evening – CWH) (June 22, 1984 – 1 hour 5 minutes) (June 26, 1984 – 55 minutes – CWH) (June 26, 1984 – 2 minutes on afternoon and 1 hour 2 minutes in evening)
 - e) June 20, 1986. Richard L. Treleaven. Debates, pp.1709-1753. (5*hours 20 minutes).

DEBATE, UNPARLIAMENTARY LANGUAGE IN

- 44.1 Imputing of improper motives or falsehood.
 - a) February 22, 1928. Journals, p.40. Black.
 - b) February 17, 1936. Journals, p.18. Hipel.
 - c) March 30, 1944. Journals, p.99. Stewart.
 - d) April 20, 1970. Journals, pp.89-90. Cass.

- e) July 7, 1977. Debates, p.522. Rowe.
- f) December 14, 1978. Debates, pp.6160, 6163-7. Stokes.
- g) May 1, 1979. Debates, pp.1464-5. Stokes.
- h) June 21, 1979. Debates, pp.3184-9. Stokes.
- i) December 7, 1979. Debates, pp.5260-1. Stokes. (An example of what is not imputing improper motives)
- j) June 10, 1980. Debates, pp.2686-7. Edighoffer (Deputy Speaker).
- k) December 4, 1980 (See 44.2 (ff))
- l) December 11, 1980. Journals, p.245. Stokes.
- m) December 15, 1981 (reference to "blackmail"). Debates, pp.4670-2. Turner.
- n) March 12, 1982. Debates, p.101. Turner.
- o) March 19, 1982. Debates, p.299. Turner.
- p) December 14, 1982 (hypothetical speculation of motives of hypothetical Member is in order). Debates, p.6124. Turner.
- q) January 17, 1983. Debates, pp.6528-9. Cousens (Acting Speaker).
- r) February 22, 1983. Debates, pp.7897. Cousens (Deputy Chairman).
- s) November 16, 1982. Debates p.5186. Turner.
- t) November 16, 1982. Debates, p.5203. Cousens (Deputy Chairman).
- u) April 3, 5 and 6, 1984. Debates pp. 356-7, 358, 483. Turner.
- v) April 27, 1984. Debates, p.1024. Turner.
- w) November 9, 1984. Debates, p.4013. Jones (Deputy Speaker).

44.2 Examples of words and phrases ruled unparliamentary or parliamentary(*)

Note:- These are instances on which Speaker ruled, or to which objection was taken. Other instances of dubious language, which were not drawn to the Speaker's attention, are not included.

- a) "brazen" (overruled) March 28, 1935. Journals, pp.133-4. Hipel.
- b) member is "talking rot"
March 19, 1956. Debates, p.1173. Edwards (Chairman).
- c) member is "raving maniac" May 29, 1967. Debates, pp.3978-9. Reilly (Chairman).
- d) "dissembling to the House" March 13, 1972. Journals, p.22. Reuter.
- e) "will the Minister quit repeating that lie?" "misrepresentation that amounts to a lie" June 10, 1975. Debates, p.2790. Rowe.
- f) member is "nitwit"
December 15, 1976. Debates, p.5903. Stokes. (Chairman).
- g) "misrepresentation"
April 26, 1977. Debates, pp.894-900. Rowe.
- h) "a little dishonest"
October 26, 1978. Debates, p.4260. Edighoffer (Chairman).
- i) "profiteer"
December 14, 1978. Debates, pp.6174-5. Stokes.
- j) "oppressive, corrupt rule"
April 5, 1979. Debates, p.766. Stokes.
- k) "totalitarianism, which seems to be the policy of the members opposite"
April 23, 1979. Debates, pp.1192-3. Stokes.
- l) "bitched"
April 24, 1979. Debates, pp.1258-9. Stokes.
- m) "the Minister. . . misled that audience" (not House)
May 11, 1979. Debates, p.1860. Edighoffer (Deputy Speaker).
- n) "false statement"
May 31, 1979. Debates, p.2373. Stokes.
- o) "Shut up"
May 31, 1979. Debates, pp.2377-8. Stokes.

- p) reference to Member's "lies"
June 7, 1979. Debates, p.2648. Stokes.
- *q) members statements were "irresponsible"
June 14, 1979. Debates, p.2944. Stokes.
- r) member "deliberately trying to mislead the people"
November 1, 1979. Debates, p.4049. Stokes.
- s) "allegation (by Member). . .is untrue"
November 13, 1979. Debates, pp.4401-2, 4413. Stokes.
- t) member "going to offer to take me out behind the Legislature and black my eye"
December 13, 1979. Debates, p.5438. Edighoffer (Deputy Speaker).
- u) member "hasn't got the guts to. . ."
April 25, 1980. Debates, p.1139. Stokes.
- v) accusation of "intellectual dishonesty"
May 1, 1980. Debates, p.1383. Stokes.
- w) Member "misled the community as well as me"
May 2, 1980. Debates, p.1392. Stokes.
- x) Member "fabricated the truth"
May 2, 1980. Debates, p.1393. Stokes.
- y) Reference to Members as "crazies"
May 2, 1980. Debates, p.1415. MacBeth (Acting Speaker).
- z) Member's "statement is absolutely false"
May 22, 1980. Debates, p.2085. Stokes.
- aa) Member's statement was "completely inaccurate and misleading"
June 6, 1980. Debates, p.2594. Stokes.
- ab) Member's statements are "fabrications and distortions"
June 12, 1980. Debates, p.2737. Stokes.
- ac) Member's statements "may be interpreted as misleading"
June 13, 1980. Debates, p.2777. Edighoffer (Chairman).
- ad) Member's statements are "totally misleading"

- October 6, 1980. Debates, p.3122. Stokes.
- ae) Members "are never honest about anything"
November 18, 1980. Debates, p.4429. Edighoffer
(Chairman).
- af) Members are "fabricators of the truth"
November 24, 1980. Debates, pp.4530-1. Stokes.
- ag) "guttersnipe"
December 4, 1980. Debates, p.4913. Stokes.
- ah) "idiot friends"
December 4, 1980. Debates, p.4958. Stokes.
- ai) "the member should get his facts straight and not stand
up in the House and tell untruths"
December 11, 1980. Debates, p.5290. Edighoffer
(Chairman).
- aj) Member "wouldn't know an honest political thought"
December 12, 1980. Debates, p.5375. Stokes.
- ak) "Everytime I listen to that honourable member I cannot
help but think of the age-old question, why is it there
are more horses' asses in the world than there are horses'
asses?"
(Withdrawn voluntarily.)
May 7, 8, 12, 1981. Debates, pp.438, 502, 581. Turner.
- al) "Will you quit being such a jerk?"
(Withdrawn voluntarily.)
May 21, 1981. Debates, p.830. Turner.
- am) Member "is a blithering idiot"
June 9, 1981. Debates, p.1421. Turner.
- an) Member is a "bloody liar"
June 24, 1981. Debates, pp.2016-7, 2022. Turner.
- ao) ". . . members from the opposition who think they are
lily-white."
(Withdrawn voluntarily.)
October 15, 16, 1981. Debates, pp.2528, 2583. Turner.
- ap) "Oh, listen you twerp . . ."

(Withdrawn voluntarily.)

October 15, 16, 1981. Debates, pp.2532, 2538. Turner.

aq) "blatant lie"

November 2, 1981. Debates, p.3054. Turner.

*ar) Member is "stooge"

November 2, 1981. Debates, pp.3062-3. Cureatz (Deputy Speaker).

as) "totally false statement"

November 2, 1981. Debates, p.3054. Turner.

at) "arrogant bastards"

November 3, 1981. Debates, p.3174. Turner.

au) Member is "flirting with the truth"

November 3, 1981. Debates, p.3174. Turner.

av) "unadulterated crap"

November 12, 1981. Debates, p.3462. Cousens (Acting Speaker).

aw) "pompous, arrogant ass"

December 10, 1981. Debates, p.4514. Cousens (Acting Speaker).

ax) Member "did not tell the truth"

December 10, 1981. Debates, p.4485. Cureatz (Deputy Speaker).

ay) "silly ass"

December 11, 1981. Debates, p.4548. Cousens (Acting Speaker).

az) "vulture"

December 11, 1981. Debates, pp.4549-50. Cousens (Acting Speaker).

ba) "son of a bitch"

December 11, 1981. Debates, pp.4549-50. Cousens (Acting Speaker).

bb) Member is "misinforming"

December 17, 1981. Debates, p.4810. Turner.

- bc) Minister "has misled the House"
March 18, 1982. Debates, p.225. Turner.
- bd) "you Communist member of the Liberal Party"
March 18, 1982. Debates, pp.254-255. Cousens (Acting Speaker).
- be) "Treasurer has misled the House"
March 19, 1982. Debates, pp.293-4. Turner.
- bf) Ministers "deceive us"
March 29, 1982. Debates, pp.328-9. Turner.
- bg) Minister "was not telling the truth"
March 29, 1982. Debates, pp.329-30. Turner.
- bh) Minister "has no right to mislead the House or to give misleading information"
May 25, 1982. Debates, pp.1990-1. Turner.
- bi) Minister "lied to this House"
May 25, 1982. Debates, pp.1991-4. Turner.
- bj) Statement by Speaker on unparliamentary language
May 27, 1982. Debates, p.2042. Turner.
- bk) "Minister . . . cannot go on lying to this House"
June 4, 1982. Debates, p.2345-6. Cousens (Acting Speaker).
- bl) Ministers "nothing else but bandits or Robin Hoods in reverse"
June 8, 1982. Debates, pp.2451-2. Cureatz (Deputy Speaker).
- *bm) "as grimy as" the member
June 21, 1982. Debates, pp.2934-5. Turner.
- bn) Member a "retard"
June 25, 1982. Debates, p.3176. Turner.
- *bo) Member is "yappy"
June 30, 1982. Debates, p.3369. Turner.
- bp) "Premier misled the House"

September 23, 1982. Debates, p.3664. Cousens (Acting Speaker).

bq) Minister “a complete ass”

September 24, 1982. Debates, pp.3718-9. Cureatz (Deputy Speaker).

br) Minister giving “deliberately misleading projections”

September 30, 1982. Debates, pp.3870-1. Robinson (Acting Speaker).

bs) “those monkeys across the way”

September 30, 1982. Debates, p.3855. Turner.

bt) “hypocrite”

October 15, 1982. Debates, p.4300. Turner.

*bu) Member “inadvertently misled the House”

November 9, 1982. Debates, p.5028. Turner.

*bv) Member is “boring”

November 9, 1982. Debates, p.5061. Cureatz (Chairman).

bw) Minister “has not always provided factual information to Members”

November 16, 1982. Debates, p.5203. Cousens (Deputy Chairman).

*bx) “mafia economics”

November 16, 1982. Debates, pp.5186-7. Turner.

*by) “if Member continues to repeat . . . he is misleading the House”

November 30, 1982. Debates, p.5624. Turner.

bz) “outright untruth”

December 6, 1982. Debates, pp.5848-9. Robinson (Acting Chairman).

ca) Member is “fundamentally dishonest”

December 7, 1982. Debates, p.5906. Cureatz (Chairman).

cb) “You (Opposition) are like a bunch of monkeys”
(Withdrawn voluntarily.)

December 13, 1982. Debates, pp.6102-3. Cureatz (Chairman).

- cc) "trained seals"
December 14, 1982. Debates, pp.6142-3. Cureatz (Deputy Speaker).
- cd) Minister "blurred the truth . . . a lack of truth"
January 18, 1983. Debates, p.6615. Cousens (Acting Speaker).
- ce) "can I call the Minister a prevaricator rather than a liar?"
January 24, 1983. Debates, pp.6763-4. Turner.
- cf) "The statement he made . . . is simply not true."
February 14, 1983. Debates, p.7579. Cousens (Acting Speaker).
- cg) "the House leader . . . has clearly mislead me . . ."
February 15, 1983. Debates, p.7681. Turner.
- ch) The member "knows it to be untrue."
February 16, 1983. Debates, p.7708. Turner.
- *ci) "If (the member) would tell the truth . . ."
February 17, 1983. Debates, p.7766. Cureatz (Chairman).
- cj) "This is unadulterated prevarication. . ."
February 21, 1983. Debates, p.7866. Cureatz (Chairman).
- ck) Member "to some extent misled us"
April 25, 1983. Debates, pp.133-4. Turner.
- cl) "hypocrisy"
April 29, 1983. Debates, p.326. Turner.
- *cm) "For hypocrisy the Premier tops them all"
May 9, 1983. Debates, pp.600-1. Cousens (Acting Speaker).
- cn) "kangaroo court Rae"
May 9, 1983. Debates, p.604. Cousens (Acting Speaker).
- co) "corruption"
May 30, 1983. Debates, pp.1216-7. Cureatz (Deputy Speaker).
- cp) "hypocrisy"

May 31, 1983. Debates, p.1269. Turner.

- cq) "Minister of Revenue . . . nothing more than lackey of Minister of Treasury and Economics."
(Withdrawn voluntarily.)

May 31, 1983. Debates, p.1277. Cureatz (Deputy Speaker).

- cr) "That is a lie"

June 2, 1983. Debates, p.1353. Elston (Acting Speaker).

- cs) "The member's remarks are misleading and incorrect"
June 2, 1983. Debates p.1353. Elston (Acting Speaker).

- ct) "Stop the hypocritical lecturing to the rest of us when you come up with crap like that."

October 13, 1983. Debates, p.2042. Turner.

- *cu) "the members have misinterpreted for their own purposes."

October 13, 1983. Debates, pp.2049-50.

October 14, 1983. Debates, p.2112. Turner.

- cv) "He has stated something in the House which is simply not true."

October 27, 1983. Debates, p.2485. Turner.

- cw) ". . . how can you tolerate a Treasurer who deliberately distorts the truth? . . . How can you allow him to go on perpetuating an untruth?"

November 4, 7, 1983. Debates, pp.2791, 2821. Turner.

- cx) "It took only four days for the Minister . . . to make a liar out of her colleague . . ."

November 14, 1983. Debates, p.2986. Turner.

- cy) "He was interested only in playing party politics." (Withdrawn at request of member, not Speaker.)

November 15, 1983. Debates, p.3031.

- cz) "...such utterances. . .are. . .symptomatic of a rather nasty tendency to win cheap debating points by invective rather than facts."

(Withdrawn at request of member, not Deputy Speaker.)

November 15, 1983. Debates, p.3049.

- da) "...to depict this tax increase in percentage terms is somewhat misleading. . ."
(Withdrawn at request of member, not Deputy Speaker.)
November 15, 1983. Debates, pp.3051-2.
- db) "He deliberately manipulated those statistics to try to prove a point."
November 17, 1983. Debates, p.3098. Turner.
- dc) "We were misled by the minister. . ."
November 29, 1983. Debates, p.3499. Turner.
- dd) "... he might have restrained some of his members with respect to the totally vicious and unprincipled attack that was made on the judiciary in Ontario."
December 1, 1983. Debates, pp.3565-6. Turner.
- de) "We are asking the Attorney General to justify a political decision that was taken by him. . ."
December 1, 1983. Debates, pp.3568-9. Turner.
- df) "... he is doing it deliberately and maliciously."
"... he has not had the guts to show up."
December 1, 1983. Debates pp.3607-8. Jones (Deputy Speaker).
- dg) "The minister is covering up."
December 8, 1983. Debates, pp.3824-5. Turner.
- dh) "... we have had a bellyful of this extortion on the part of these OPP."
December 13, 1983. Debates, pp.4001-2. Turner.
- di) "It is a lie."
December 15, 1983. Debates, p.4234. Cousens (Acting Speaker).
- dj) "That is a deliberate misrepresentation by the minister."
December 16, 1983. Debates, p.4259. Turner.
- dk) "This represents an absolute and total cover-up by the government."

- December 16, 1983. Debates, pp.4260-1. Turner.
- dl) "...the member's own partisan political agenda."
December 16, 1983. Debates, p.4261. Turner.
- dm) "If that is the truth then I do not know what the hell fiction is."
April 3, 5, 6, 1984. Debates, pp.356-7, 358. Turner.
- dn) "...rather than treating this as a Committee matter the Honourable Member has used it for the purpose of questioning the integrity of Dr. Wolfson both in the House and with the media."
April 5, 1984. Debates, pp.418-21, 433, 434.
April 6, 1984. Debates, p.483. Turner.
- do) "I believe the statements he has made are blatantly untrue."; p.418 – "entirely unfounded"; p.419 – "utterly false"; "without foundation".
April 5, 1984. Debates, pp.418-21, 432-4.
April 6, 1984. Debates, p.483. Turner.
April 9, 1984. Debates, p.523.
- dp) "That is a scandal."
April 17, 1984. Debates, pp.825-6. Cousens (Acting Speaker).
- dq) "The only lesson I have learned is not to have conversations with the minister without witnesses present."
April 27, 1984. Debates, p.1024. Turner.
- dr) "Would the Minister be prepared to encourage his colleagues on the Public Accounts Committee to support a motion to have this matter considered in depth by the committee to determine who is telling the truth."
May 1, 1984. Debates, p.1107. Turner.
- ds) "...the member for Hamilton East has today mislead the House. . ."
May 3, 1984. Debates, pp.1173-4. Cousens (Acting Speaker).
- dt) "...regardless of how (the member) tries to mislead the people of Hamilton."

May 14, 1984. Debates, p.1485. Turner.

du) "...the member is misleading the Ontario public. . ."

May 24, 1984. Debates, p.1734. Turner.

dv) "How does he avoid the accusation that he and his colleagues are nothing but hypocrites when it comes to restraint?"

May 29, 1984. Debates, p.1907. Turner.

*dw) "...the honourable member speaks with a forked tongue as usual."

(Withdrawn voluntarily by Minister of Education.)

May 29, 1984. Debates, pp.1911-2, 1918-20. Turner.

dx) "Where does he get his false and misleading argument?"

May 29, 1984. Debates, p.1916. Turner.

dy) "You (the Acting Chairman) should be so fortunate as to be able to repeat yourself." (Disrespect to Chair.)

May 29, 1984. Debates, p.1963. Piché (Acting Chairman).

dz) "One of my colleagues said the member for Welland-Thorold was lying, Mr Speaker, and I am inclined to agree with him."

May 29, 1984. Debates, p.1915.

May 31, 1984. Debates, p.1975. Turner.

ea) "I have never heard any comment in this House that is more misleading. . ."

May 31, 1984. Debates, p.1983. Turner.

eb) "...I can do without the sarcasm of this member from the boonies."

May 31, 1984. Debates, p.2033. Jones (Chairman).

ec) "That is not truthful. . ."

June 1, 1984. Debates, p.2050. Cousens (Acting Speaker).

ed) "...the Liberal Party boycotted a vote. . ."

June 5, 1984. Debates, p.2183. Cousens (Deputy Chairman).

ee) "That is completely misleading the House."

- June 5, 1984. Debates, p.2185. Cousens (Deputy Chairman).
- ef) "That is sheer distortion. . ."
- June 5, 1984. Debates, p.2196. Cousens (Deputy Chairman).
- eg) "You are a jerk."
- June 5, 1984. Debates, p.2224. Turner.
- eh) "...the minister has misinformed the House. . ."
- June 20, 1984. Debates, p.2660. Turner.
- ei) "I will have to say to the minister he has misinformed the House. . ."
- June 20, 1984. Debates, p.2661. Turner.
- ej) "...the Treasurer was misinformed in this House. . ."
- June 22, 1984. Debates, pp.2770-1. Turner.
- ek) "...the member for Wilson Heights had inadvertently misled us substantially."
- June 26, 1984. Debates, p.2880. Jones (Chairman).
- el) "We have seen hypocrisy today. Hypocrisy has reached new heights today for the New Democratic Party."
- August 29, 1984. Debates, p.2996. Turner.
- em) "He is distorting."
- October 9, 1984. Debates, p.3077. Jones (Deputy Speaker).
- en) "The member cannot even read, for Christ's sake."
- October 25, 1984. Debates, p.3527. Turner.
- eo) "I have information for you (the Speaker). It was a point of order, no matter what you say."
- October 25, 1984. Debates, p.3576. Cousens (Acting Speaker).
- ep) "He is lying through his teeth. The man is lying. . . . He is still a liar."
- October 30, 1984. Debates, p.3674. Turner.
- eq) "The member knows he is lying."

- November 9, 1984. Debates, p.4013. Jones (Deputy Speaker).
- er) "Mr Chairman, would you control that nattering nincompoop?"
- November 9, 1984. Debates, p.4039. Jones (Chairman).
- es) "You hypocrite."
- November 15, 1984. Debates, p.4144. Cousens (Acting Speaker).
- et) "I did not try to misrepresent the facts."
- November 15, 1984. Debates, p.4156. Jones (Deputy Speaker).
- eu) "I think the honourable member is totally misleading the House . . ."
- November 20, 1984. Debates, p.4304. Cousens (Acting Speaker).
- ev) "When it comes to misleading the House, the Solicitor General has no equal."
- November 20, 1984. Debates, p.4304. Cousens (Acting Speaker).
- ew) "The minister has . . . given false information to this House."
- November 30, 1984. Debates, pp.4539-40. Turner.
- ex) "The minister using the backdoor approach . . . in order to deceive the people of Ontario . . .".
(Withdrawn voluntarily.)
- December 4, 1984. Debates, p.4624. Turner.
- ey) "(the minister) was misleading in terms of the more serious issue . . ."
- December 4, 1984. Debates, pp.4628-9. Turner.
- ez) "The Treasurer has released information that can only be described as misleading . . ."
- December 6, 1984. Debates, pp.4683-4. Turner.
- fa) "That is terribly misleading."
- December 10, 1984. Debates, p.4836. Jones (Chairman).

fb) "Why did he (the minister) mislead the House yesterday . . ."

December 11, 1984. Debates, p.4851. Turner.

fc) "For the Solicitor General to say he did not have an opportunity to respond is totally dishonest."

December 13, 1984. Debates, pp.4997-8. Jones (Deputy Speaker).

fd) "What a donkey he is . . . Tell that jackass to listen. . . I will not withdraw when I listen to comments like that clown just made. . . ."

December 13, 1984. Debates, pp.5009-10. Jones (Deputy Speaker).

fe) "She (the Treasurer) actually misled the public."

June 14, 1985. Debates, p.281. Edighoffer.

ff) ". . . surely it is the height of hypocrisy for the Premier to stand here before us and say he and his party have suddenly realized that equal pay for work of equal value . . .".

(Withdrawn voluntarily by the Leader of the Opposition.)

July 4, 1985. Debates, p.481. Treleaven (Deputy Speaker).

fg) "Are you going to cover up? Are you covering up? Is that what you are going to do as Speaker?"

(Withdrawn voluntarily.)

July 11, 1985. Debates, pp.693-4. Edighoffer.

fh) ". . . but members opposite have misled the people of Ontario with their policy on the constitutional reference."

July 11, 1985. Debates, p.731. Morin (Acting Speaker).

fi) ". . . the Premier has misled this House."

October 18, 1985. Debates, p.904. Edighoffer.

fj) ". . . he (the Treasurer) has not only misled the House, but he has misled all the people in Ontario who gave money."

November 1, 1985. Debates, p.1309. Edighoffer.

- fk) "... the New Democratic Party ... they will be happy if he (the minister) just lets the strike go on and let things go on and try to beat Sudbury's record."
(Withdrawn voluntarily.)

November 19, 1985. Debates, p.1625. Treleaven (Deputy Speaker).

- fl) ("I must discuss this bill.") "While misrepresentating all the facts."
(Withdrawn voluntarily.)

December 3, 1985. Debates, p.2064. Morin (Acting Speaker).

- fm) "That is a long way from the truth."

December 9, 1985. Debates, p.2261. Edighoffer.

- fn) "This is not the first time the Leader of the Opposition has stood up and said absolutely false things about people associated with what this government has done."
(Withdrawn voluntarily by Premier.)

December 20, 1985. Debates, pp.2699-2700. Edighoffer.

- *fo) "That is a pile of crap... That is the worst pile of crap I have heard since I have been here - terrible, terrible, crap."

(Objection taken to language but not ordered withdrawn by Acting Speaker.)

January 21, 1986. Debates, pp.3349-50. Morin (Acting Speaker).

- fp) "Here is a man who should be prosecuted for violating his own party's rules on spending at the convention."

January 23, 1986. Debates, p.3380. Edighoffer.

- fq) "... the absolute and totally dishonest way they (members) are dealing with it in this respect."

January 23, 1986. Debates, p.3425. Edighoffer.

- fr) "You know that is not true, Mike."

January 30, 1986. Debates, p.3668. Treleaven (Deputy Speaker).

- fs) "You are wrong lying to the people here."

- February 10, 1986. Debates, p.3950. Edighoffer.
- ft) "I would ask the House leader to retract his bald-faced lie."
- February 11, 1986. Debates, p.4041. Morin (Deputy Chairman).
- fu) "His comments have been misleading to members of this House."
- April 24, 1986. Debates, p.22. Edighoffer.
- *fv) "We are down to business in housing, unlike the past and his government, who were making many deals with individuals." (No specific accusation made against another member of the House – ruled in order.)
- May 1, 1986. Debates, p.210. Edighoffer.
- May 5, 1986. Debates, p.251. Edighoffer.
- fw) "Will the Premier not admit he has misled this member, this House . . ."
- May 5, 1986. Debates, p.314. Edighoffer.
- fx) "The member is distorting the facts."
- May 29, 1986. Debates, p.1029. Treleaven (Deputy Speaker).
- fy) "The lecture he was trying to deliver today was hypocritical in the extreme."
- May 29, 1986. Debates, p.1032. Morin (Acting Speaker).
- fz) "I shall define the language that was used by the member for Renfrew North as language that befits the kind of guttersnipe he was attempting to portray today."
- May 29, 1986. Debates, p.1032. Morin (Acting Speaker).
- ga) ". . . he (the Minister of Health) has clearly dishonestly been telling the public that he will be getting the \$53 million back. . ."
- June 3, 1986. Debates, p.1126. Edighoffer.
- gb) "For 10 years I have listened to my words being distorted by the member for Windsor-Riverside. . ."
- June 4, 1986. Debates, p.1179. Treleaven (Chairman).

gc) "There has rarely been a more categorical misrepresentative view of a series of negotiations than the one the Premier has just represented to this House."

June 9, 1986. Debates, p.1261. Edighoffer.

gd) "The biggest lie the government ever perpetrated on the Ontario public. . ."

June 9, 1986. Debates, p.1286. Treleaven (Chairman).

ge) "... I suggest to him (the Premier) that by ... altering the facts and dates of the involvement ..."

(Withdrawn voluntarily.)

June 12, 1986. Debates, pp.1412-3. Edighoffer.

gf) "Would it be out of order for me to refer to the member as a pompous hypocrite?"

June 16, 1986. Debates, p.1473. Treleaven (Chairman).

gg) "He is making an ass of himself."

June 16, 1986. Debates, pp.1475-6. Treleaven (Chairman).

gh) "The member's points are misleading the House. He is misleading the House."

June 18, 1986. Debates, p.1560. Treleaven (Chairman).

gi) "That is how he got all those signatures on those petitions, by misrepresenting to his own constituents."

June 18, 1986. Debates, p.1567. Morin (Deputy Chairman).

gj) "Are you going to misrepresent their position too?"

June 18, 1986. Debates, p.1569. Treleaven (Chairman).

gk) "... by the pigheaded attitude of the Premier. . ."

June 19, 1986. Debates, pp.1616-7. Edighoffer.

gl) "I was bewildered by the misrepresentations ..."

June 24, 1986. Debates, p.1911. Morin (Acting Speaker).

gm) "The member is a hypocrite."

July 3, 1986. Debates, pp.2136-7. Treleaven (Deputy Speaker).

gn) "The minister is misleading the House."

- July 3, 1986. Debates, p.2144. Morin (Acting Speaker).
- go) "I shall not allow the Attorney General to misrepresent the position of the former Attorney General. . . "
- July 10, 1986. Debates, p.2336. Edighoffer.
- gp) "What protection do we have when a chairman of a committee, in exercising his power as chairman, does not tell the truth about his report?"
(Withdrawn voluntarily.)
- October 14, 1986. Debates, pp.2432, 2437. Edighoffer.
- gq) "It strikes me that the member for Essex South – I have to be very careful how I phrase this – does a taffy pull with the truth."
- October 15, 1986. Debates, p.2493. Edighoffer.
- gr) "Those two jackasses do not have to jump on the bandwagon."
(Withdrawn voluntarily.)
- October 20, 1986. Debates, p.2589. Edighoffer.
- gs) "He (the minister) lied."
- November 20, 1986. Debates, p.3498. Edighoffer.
- gt) "The minister has been misleading the people of this province with respect to pension reform . . . ".
(Withdrawn voluntarily.)
- December 9, 1986. Debates, p.4041. Edighoffer.
- gu) "The Premier is misleading the House by saying I received a copy of the letter."
(Withdrawn voluntarily.)
- December 10, 1986. Debates, pp.4094-5. Edighoffer.
- gv) "My friend opposite, Ivan the Terrible . . . "
(Withdrawn voluntarily at member's request.)
- December 11, 1986. Debates, pp.4158-9. Edighoffer.
- gw) "I think the honourable member made one of the most outrageous propositions I have ever heard in this House. He said that he does not have faith in the OPP to be objective and go into this matter."
(Withdrawn at request of Speaker – imputing motive.)

December 15, 1986. Debates, pp.4201-2. Edighoffer.

- gx) "But the minister has just indicated he did not tell me the truth on June 2."

(Withdrawn voluntarily.)

December 17, 1986. Debates, p.4310. Edighoffer.

- gy) "... the member misunderstood or fabricated ...".

(Withdrawn voluntarily.)

December 17, 1986. Debates, p.4313. Edighoffer.

- gz) "Nobody knows what the Premier or Minister of Industry, Trade and Technology or the rest of the clowns in Ontario are doing."

(Withdrawn voluntarily.)

December 18, 1986. Debates, p.4393. Edighoffer.

- ha) "Why has the minister mislead the fruit and vegetable growers ...".

(Withdrawn voluntarily.)

January 20, 1987. Debates, p.4684. Edighoffer.

- hb) "... there is no single Canadian politician who has given out more misleading and false information on the trade issue than the Premier has."

(Withdrawn voluntarily.)

January 29, 1987. Debates, p.5007. Edighoffer.

- hc) "My friend member for Brantford, who now spends most of his time in the sewer, was for a time minister there."

(Withdrawn voluntarily.)

February 4, 1987. Debates, p.5157. Edighoffer.

- hd) "Be truthful, will you?"

(Withdrawn voluntarily.)

February 5, 1987. Debates, pp.5239-40. Edighoffer.

- he) "... he deceived the Windsor Board of Education in our community."

(Withdrawn voluntarily.)

May 5, 1987. Debates, p.173. Edighoffer.

- hf) "All we are asking the government to do is shut up and listen to people for a change."
(Withdrawn voluntarily.)
May 21, 1987. Debates, pp.644-5. Morin (Acting Speaker).
- hg) "Je dis au membre de laisser faire et lui dis de fermer sa gueule."
(Withdrawn voluntarily.)
May 21, 1987. Debates, p.632. Morin (Acting Speaker).
- hh) "... his (the Treasurer's) stealing of \$2 out of every \$3 from the 13,000."
(Withdrawn voluntarily.)
May 21, 1987. Debates, p.654. Edighoffer.
- hi) "Is it not correct that the minister has deliberately mislead this House and the motorists of this province?"
June 8, 1987. Debates, p.1151. Edighoffer.
- hj) "It is all very cute for the parliamentary assistant to try to distort the arguments ... but I say to the parliamentary assistant that kind of unscrupulous rhetoric is —".
(Withdrawn voluntarily.)
June 10, 1987. Debates, p.1258. Treleaven (Chairman).
- hk) "In other words, he really misrepresented what he was —".
June 16, 1987. Debates, pp.1412-3. Edighoffer.
- hl) "If he cannot make that commitment again today, he has misrepresented his position and he should resign."
June 16, 1987. Debates, p.1413. Edighoffer.
- hm) "I would be interested in seeing where the minister got that stupid lie from ...".
(Withdrawn voluntarily.)
June 17, 1987. Debates, p.1459. Edighoffer.
- hn) "... both the Premier and the minister have so clearly misrepresented this situation in writing and verbally to this House. ... What remedy do we have, through you as Speaker, to ensure that we are given factual infor-

mation by this government and are not so clearly misled as in this case?"

(Withdrawn voluntarily.)

June 25, 1987. Debates, p.1718. Edighoffer.

- ho) "In view of the fact that the minister, and indeed the Premier himself, on numerous occasions in the last five months have so completely misrepresented this situation . . .".

(Withdrawn voluntarily.)

June 25, 1987. Debates, p.1723. Edighoffer.

- hp) "My facts are not wrong. You are dead wrong and you have lied in this House. You have lied."

June 25, 1987. Debates, pp.1728-9. Edighoffer.

- hq) "Having heard the sheer hypocrisy which came from the House leader for the official opposition —".

(Withdrawn voluntarily.)

June 25, 1987. Debates, p.1749. Treleaven (Deputy Speaker).

- hr) "Surely if there is any integrity in the office of the first minister of this province, we would not need any type of legislation."

(Withdrawn voluntarily.)

June 29, 1987. Debates, p.1792. Treleaven (Deputy Speaker).

- 44.3 Member who has apologized to member for unparliamentary language should apologize to House and withdraw remark.

June 13, 1974. Debates, pp.3192-3. Reuter.

- 44.4 General remarks, which would otherwise be unparliamentary, allowed because they were not directed at particular member.

- a) November 23, 1978. Debates, pp.5267-8. G.E. Smith (Deputy Chairman).

- b) December 4, 1980. Debates, pp.4938-9. MacBeth (Acting Speaker).

- c) December 7, 1982. Debates, p.5905. Cousens (Deputy Chairman).
- 44.5 Rules respecting unparliamentary language do not apply to statements made outside the House.
 - a) March 9, 1965. Debates, pp.1089-90. Morrow.
 - b) October 9, 1969. Journals p.209. Cass.
 - c) November 20, 1975. Debates, pp.746-7. Rowe.
 - d) October 6, 1980. Debates, p.3109. Stokes.
 - e) June 24, 1981. Debates, pp.2016-7, 2022. Turner.
 - f) December 15, 1981. Journals, pp.239-40. Debates, pp.4581-2. Turner.
- 44.6 Allegations by members against persons who are not members are not unparliamentary.
 - a) December 8, 1980. Debates, p.5049. Stokes.
 - b) April 6, 1984. Debates, p.483.
- 44.7 Member may not make charges against unspecified members of the House.

April 26, 1977. Debates, pp.973-4. Stokes (Deputy Speaker).
- 44.8 Determination of whether language is unparliamentary depends on context in which language is used.
 - a) April 6, 1984. Debates, p.483. Turner.
 - b) May 29, 1984. Debates, p.1918. Turner.
 - c) May 31, 1984. Debates, p.1975. Turner.
 - d) May 21, 1987. Debates, p.673. Treleaven (Deputy Speaker).

DIVISIONS (See also conflict of interest)

- 45.1 All Members in the Chamber must vote; Members who do not indicate how they vote are recorded as having voted in the affirmative.

November 28, 1973. Debates, p.6279. Reuter.

Note: on April 30, 1969, Speaker Cass directed that a Member who refused to indicate his vote be recorded as having voted in the negative. (Journals, pp.128-9).
- 45.2 Member's right to vote may only be questioned on grounds of pecuniary interest.

August 19, 1898. Journals, p.21. Evanturel.

45.3 Speaker's casting vote.

a) April 22, 1904. Journals, pp.297-9. Charlton.

b) January 16, 1986. Debates, p.3158. Edighoffer.

45.4 Member may leave Chamber after vote on motion announced and before division on another matter.

June 24, 1982. Debates, pp.3143-4. Turner.

45.5 Five members must rise in their places to require a recorded division or to stack a vote.

a) April 11, 1908. Journals, pp.321-2. Crawford.

b) December 3, 1984. Debates, p.4602. Jones (Chairman).

c) December 4, 1984. Debates, p.4639. Cousens (Deputy Chairman).

d) November 6, 1986. Debates, p.3203. Morin (Deputy Chairman).

45.6 Procedure for Deferring Divisions in Committees of the Whole House.

November 8, 9, 1983. Debates, pp.2922-3, 2927. Turner.

EMERGENCY DEBATE (See Motion to Adjourn to discuss urgent public business)

ESTIMATES

The new Standing Orders relating to supply have rendered obsolete the Speaker's Ruling of November 13, 1973, on the allocation of time for estimates.

46.1 Procedure for altering order of estimates, once established.

a) October 24, 1978. Journals, pp.165-7. Debates, pp.4100-3. Stokes.

Note:- The Standing Order 52 provides a mechanism for changing the order of estimates.

46.2 Estimates of non-existent ministry may be debated.

a) November 6, 1978. Debates, p.4591. Turner.

46.3 Debate on estimates of Premier's Office must be confined to operation of office.

- a) December 16, 1977. Debates, pp.3103-5. Stokes.
- 46.4 Debate on supplementary estimates must be confined to specific vote and item.
 - a) March 30, 1982. Debates, pp.398-9. Cousens (Deputy Chairman).
 - b) March 30, 1982. Debates, pp.433-5. Cureatz (Chairman).
 - c) April 2, 1982. Debates, pp.537-8. Cousens (Deputy Chairman).
 - d) April 5, 1982. Debates, pp.587-8. Cureatz (Chairman).
 - e) April 6, 1982. Debates, p.618-9. Cureatz (Chairman).
- 46.5 Minister's reply in Concurrence in Supply closes the debate.
 - a) February 4, 1983. Debates, p.7253. Cousens (Acting Speaker).
 - b) February 8, 1983. Debates, pp.7362-3. Edighoffer (Acting Speaker).
- 46.6 Attendance of ministry staff at committees considering estimates.
 - a) May 31, 1984. Journals, pp.108-9. Debates, p.1974. Turner.

HANSARD

- 48.1 Members must be properly seated if interjections or comments are to be recorded.
 - a) December 7, 1972. Debates, p.5301. Reuter.
- 48.2 "Instant Hansard" is not the official record.
 - a) June 7, 1979. Debates, p.2643. Stokes.
- 48.3 On policy for recording interjections.
 - a) November 24, 1981. Debates, pp.3828-9. Turner.
- 48.4 Documents appended to Hansard by unanimous consent of House.
 - a) November 1, 1983. Debates, pp.2689-91. Turner.
- 48.5 Member reprinting extracts from Hansard for distribution - Member to indicate that he is originator of reprint.
 - a) January 28, 1987. Journals, p.268. Edighoffer.

48.6 Remarks made in language other than English or French are not recorded in Hansard.

a) May 25, 1987. Journals, p.73. Debates, p.712. Edighoffer.

48.7 Editing practices.

a) June 23, 1987. Journals, pp.108-9. Debates, p.1601. Edighoffer.

LEADER OF THE HOUSE

50.1 Leader of the House determines order of business taken up by the House.

a) March 21, 1912. Journals, pp.184-5. Hoyle.

b) March 15, 1948. Journals, pp.47-8. Hepburn.

c) February 14, 1949. Journals, pp.21-2. Hepburn.

Note:- Any uncertainty on this point has been removed in that Standing Order 45 now provides that "Except as otherwise provided in these Standing Orders, government business will be taken up in the discretion of the Government House Leader or a minister acting in his place."

d) February 17, 1983. Debates, pp.7740-2. Turner.

e) February 17, 1983. Debates, pp.7742-3. Cousens (Deputy Chairman).

f) November 19, 1986. Debates, pp.3445-7. Edighoffer.

g) December 18, 1986. Debates, p.4385. Edighoffer.

50.2 During routine proceeding "MOTIONS" only the Leader of the House may make motions referring to business of the House.

a) May 20, 1971. Journals, pp.74-5. Cass.

b) March 14, 1972. Journals, p.25. Reuter.

c) December 6, 1979. Journals, p.232. Debates, p.5201. Stokes.

d) November 13, 1980. Debates, p.4230. Stokes.

e) October 22, 1986. Debates, p.2702. Edighoffer.

50.3 Agreement among House Leaders does not change Standing Orders.

a) June 9, 1978. Journals, p.124. Stokes.

50.4 Order of the House allocating estimates time supersedes agreement among House Leaders.

a) November 17, 1977. Journals, pp.102-3. Stokes.

50.5 Leader of House shall announce business for following week each Thursday during Session (See Standing Order 13).

a) February 17, 1983. Debates, p.7759. Cousens (Deputy Chairman).

LEAVE OF THE HOUSE

51.1 Not equivalent to unanimous consent.

a) April 19, 1977. Journals, p.41. Rowe.

LEGISLATIVE ASSEMBLY, Access to (See “Speaker, Re Order and Decorum”)

LEGISLATIVE ASSEMBLY, Powers of

52.1 A bill to fix the date for the annual meeting of the Assembly declared to be unconstitutional as interfering with the prerogative of the Crown

a) February 3, 1876. Journals, p.210. Wells.

52.2 Legislature, not government, calls individual before the bar.

a) March 18, 1959. Journals, p.136. Debates, p.1360. Downer.

52.3 House not properly constituted for the dispatch of business until a Speaker has been elected.

a) December 7, 1871. Journals, pp.1-2. Gillmor (Clerk of the House).

52.4 Waive Standing Orders by unanimous consent.

a) January 18, 1983. Debates, p.6599. Cousens (Acting Speaker).

LEGISLATIVE ASSEMBLY – Servants and Officers of the House

- 53.1 As Provincial Auditor is a servant of the House he is subject to direction by House and not by an individual member.
a) March 19, 1970. Journals, p.44. Debates, pp.773-5. Cass.
- 53.2 Clerk of the House may not question right of members to take their seats.
a) December 7, 1871. Journals, pp.1-2. Gillmor (Clerk of the House).
- 53.3 Not Clerk's responsibility to seek document from minister.
a) May 27, 1980. Debates, pp.2248-9. Edighoffer (Acting Speaker).
- 53.4 Comments by Editor of Debates on member's speeches.
a) September 23 and 28, 1982. Debates, p.3635, p.3785.
- 53.5 Member criticizing Clerk.
a) February 17, 1983. Debates, pp.7737-40. Turner.
- 53.6 Retirement of Clerk. Remarks by Clerk with Mace on the Table.
a) July 2, 1986. Debates, pp.2044-5. Edighoffer.
b) July 7, 1986. Debates, pp.2177-81. Edighoffer.

LIEUTENANT-GOVERNOR

- 54.1 Remarks by Lieutenant-Governor in Chamber on pending retirement.
a) July 12, 1985. Debates, pp.771-3. Edighoffer.

MEMBERS – Authority

- 56.1 Authority of members may not be delegated to non-members.
a) February 18, 1943. Journals, pp.18-9. Clark.

MEMBERS – Designation and Form of Address in House

- 57.1 Members designated "M.P.P."
a) April 7, 1938. Journals, p.136. Hipel.

57.2 Manner in which members are to be addressed in House.

- a1) June 3, 1982. Journals, p.107. Turner.
- a2) January 18, 1983. Debates, p.6622. Cousens (Acting Speaker).
- b) February 10, 1983. Debates, p.7481. Cousens (Acting Speaker).
- c) February 10, 1983. Debates, p.7500. Turner.
- d) June 2, 1983. Debates, p.1355. Cousens (Acting Speaker).
- e) June 20, 1983. Debates, p.1828. Turner.
- f) June 20, 1983. Debates, pp.1820-1. Turner.
- g) June 21, 1983. Debates, p.1908. Turner.
- h) October 11, 1983. Debates, p.2019. Robinson (Acting Chairman).
- i) October 31, 1983. Debates, p.2618. Jones (Chairman).
- j) November 24, 1983. Debates, p.3343. Turner.
- k) October 11, 1984. Debates, p.3161. Cousens (Acting Speaker).
- l) October 25, 1984. Debates, p.3572. Cousens (Acting Speaker).
- m) December 11, 1984. Debates, p.4853. Turner.
- n) November 7, 1985. Debates, p.1494. Treleaven (Deputy Speaker).
- o) December 9, 1985. Debates, p.2280. Edighoffer.
- p) January 13, 1986. Debates, p.3037. Treleaven (Deputy Speaker).
- q) January 28, 1986. Debates, p.3594. Treleaven (Deputy Speaker).
- r) May 5, 1986. Debates, p.251. Edighoffer.
- s) May 21, 1986. Debates, p.751. Treleaven (Deputy Speaker).
- t) June 2, 1986. Debates, p.1101. Treleaven (Chairman).
- u) June 8, 1987. Debates, p.1140. Edighoffer.
- v) June 22, 1987. Debates, p.1562. Treleaven (Deputy Speaker).

MEMBERS – Change of Party Affiliation

58.1 Change of Party Affiliation.

- a) Joseph I. Meinzinger. (Independent-Liberal-Labour to Independent March 23, 1948). April 2, 1948. Debates, pp.623-4.
- b) Ronald Henry Knight. (Liberal to Independent September 30, 1969).
September 30, 1969. Debates, pp.6406-9.
- c) Marvin Leonard Shore. (Liberal to Progressive Conservative August 3, 1976). October 26, 1976. Debates, pp.4091-2.
- d) J. Earl McEwen. (Liberal to Progressive Conservative May 22, 1984)
May 22, 1984. Debates, p.1661.
- e) David Ramsay. (New Democrat to Liberal October 6, 1986).
October 14, 1986. Debates, p.2446.
- f) Antonio Lupusella (New Democrat to Liberal December 12, 1986).
(Accepted by Liberal Caucus January 13, 1987).

MEMBERS – Resignation (See also WRITS)

- 61.1 Resignation of Member may not be negotiated.
 - a) December 6, 12, 1972. Debates, pp.5217, 5500, 5501. Reuter.
- 61.2 Member announces resignation in House.
 - a) June 26, 1986. Debates, pp.2001-2. Edighoffer.

MEMBERS – Expulsion; Declaring Seat vacant

- 62.1 Seat declared vacant because of incurable mental condition of member
 - a) February 12, 14, 1884. Journals, pp.57, 60, 64-6. Clarke.

MEMBERS – Death of, Procedure on

- 63.1 November 29, 1984. Journals, p.234. Debates, pp.4531-5. Turner.

MEMBERS – Leader of the Opposition, Resignation and Recognition

64.1 November 25, 1985. Debates, p.1767. Edighoffer.

MEMBERS – Committal to prison; Notice to House

65.1 June 27, 1977. Journals, pp.8-9. Debates, p.4. Rowe.

MEMBERS – Elections (Controverted; corrupt practices, etc.; Proceedings against members for)

- 66.1 a) February 21, 1895. Journals, p.7. Balfour.
- b) 1905. Journals, Appendix No. 1, pp.3-5. St. John.
- c) February 13, 1924. Journals, pp.30-9. Thompson.
- d) March 1, 1935. Journals, pp.28-9. Hipel.
- e) October 20, 1986. Hansard, p.2571. Journals, pp.416-7. Edighoffer.

MEMBERS – Referring to attendance of members not permitted.

67.1 a) May 26, 1987. Debates, p.765. Edighoffer.

MEMBERS – Women elected to the legislature since Confederation.

- 68.1 Female members of Parliament from 1867 to 1987
(In order of date)
- Margarette Luckock (CCF – Toronto-Bracondale) 1943-1945
- Agnes Campbell McPhail (CCF – York-East) 1943-1945; 1948-1951
- Ada Mary Pritchard (PC – Hamilton Centre) 1963-1971
- Margaret Renwick (ND – Scarborough Centre) 1967-1971
- Margaret Birch (PC – Scarborough East) 1971-1985
- Margaret Scrivener (PC – St. David) 1971-1985
- Margaret Campbell (L – St. George) 1973-1981
- Marion Bryden (ND – Beaches-Woodbine) 1975 –
- Evelyn Gigantes * (ND – Carleton East) 1975-1981
- Gillian Sandeman (ND – Peterborough) 1975-1977
- Bette Stephenson (PC – York Mills) 1975-1987
- Sheila Capps (L – Hamilton Centre) 1981-1984

Susan Fish (PC – St. George) 1981-1987
 Evelyn Gigantes * (ND – Ottawa Centre) 1984-1987
 Ann Sloat (PC – Wentworth North) 1984-1985
 Elinor Caplan (L – Oriole) 1985-
 Ruth Grier (ND – Lakeshore) 1985-
 Margaret Marland (PC – Mississauga South) 1985-
 Lily Munro (L – Hamilton Centre) 1985-
 Joan Smith (L – London South) 1985-
 Christine Hart (L – York East) 1986-
 Shirley Collins (L – Wentworth East) 1987-
 Joan Fawcett (L – Northumberland) 1987-
 Chaviva Hosek (L – Oakwood) 1987-
 Linda LeBourdais (L – Etobicoke West) 1987-
 Shelley Martel (ND – Sudbury East) 1987-
 Lyn McLeod (L – Fort William) 1987-
 Cindy Nicholas (L – Scarborough Centre) 1987-
 Yvonne O'Neill (L – Ottawa-Rideau) 1987-
 Dianne Poole (L – Eglinton) 1987-
 Marietta Roberts (L – Elgin) 1987-
 Norah Stoner (L – Durham West) 1987-
 Barbara Sullivan (L – Halton Centre) 1987-
 Mavis Wilson (L – Dufferin-Peel) 1987-

MINISTERS

69.1 May sit as members of standing committees.

a) April 15, 1971. Journals, pp.27-8. Debates, pp.449-50. Cass.

b) April 27, 1971. Journals, pp.44-5. Cass.

69.2 Attendance in House for oral Question Period.

a) November 15, 1982. Debates, pp.5114-5. Turner.

69.3 Making statements of government policy outside the House. (See 95.7).

69.4 Conduct of minister in performance of ministerial duties, substantive motion criticizing.

MOTIONS, General

On April 1, 1915, an amendment was ruled out of order as containing an “allegation not borne out by fact.” Such a ruling would not likely be made today.

70.1 Motions may not attempt to revive matters decided upon by House earlier in session. (See also 8.9)

- a) April 23, 1904. Journals, p.322. Charlton.
- b) April 23, 1904. Journals, pp.326-8. Charlton.
- c) April 1, 1914. Journals, pp.169-70. Hoyle.
- d) April 8, 1943. Journals, pp.180-1. Clark.
- e) April 4, 1946. Journals, p.156. Stewart.
- f) April 7, 1949. Journals, pp.212-4. Stewart.
- g) March 18, 1959. Journals, pp.135-6. Downer.
- h) March 18, 1959. Journals, p.136. Downer.
- i) October 28, 1982 (See 3: Ruling 51)
- j) May 14, 1987. Debates, pp.483-4. Edighoffer.

70.2 Motions may not be prefaced by preambles.

- a) March 26, 1909. Journals, pp.221-3. Crawford.

70.3 Motion alleging “unlawful and improper” activity on part of Government agency ruled out of order.

- a) March 12, 1959. Journals, pp.113-4. Debates, pp.1099, 1105-6. Downer.

70.4 Motion that House recess not in order.

- a) October 30, 1984. Debates, p.3675. Turner.
- b) July 12, 1985. Debates, p.762. Edighoffer.
- c) January 20, 1987. Debates, p.4676. Edighoffer.

MOTIONS, Notice

71.1 Motion to sit past 10.30 requires neither notice nor unanimous consent.

- a) December 18, 1974. Journals, pp.192-3. Rowe.

71.2 Motion to refer a matter to a committee is a substantive motion, requiring notice.

- a) May 20, 1971. Journals, pp.74-5. Cass.

On April 1, 1957 a motion to refer a matter to a committee, which was not raised as a point of privilege, was moved without notice and carried (See Journals p.151).

71.3 Motion must correspond to notice of motion.

a) January 25, 1872. Journals, p.66. Currie.

71.4 Motions on matters of privilege do not require notice.

a) March 18, 1936. Journals, pp.117-8. Hipel.

b) April 6, 1978. Journals, p.54. Debates, pp.1238-9. Stokes.

c) December 10, 1981. Debates, pp.4465-6. Turner.

71.5 Motion cannot be entertained which proposes to deal with matter contained in notice of motion previously received.

a) February 20, 1917. Journals, pp.26-7. Jamieson.

71.6 Motion, which requires notice, but which is moved without notice, ruled out of order, but considered as notice of motion.

a) February 23, 1960. Journals, p.81. Debates, pp.642-6. Murdoch.

MOTIONS, Procedure

72.1 On superseding or dilatory motions.

a) April 8, 1970. Journals, pp.71-4. Debates, pp.1192-5. Cass.

72.2 Only Leader of the House may make motions relating to business of the House during routine proceeding "Motions".
(See 50.2)

NAMING OF MEMBER (See Speaker, powers of)

NOTICE (See also Motions, Notice)

Many Speakers' rulings over the years have dealt with the question of notice. In virtually all cases, however, the Standing Orders relating to notice, which precipitated the rulings, have been changed, so that these rulings are obsolete (e.g. December 22, 1869; January 27, 1876; February 12, 1877; March 19, 1886).

77.1 On the requirement for notice of amendment to substantive committee reports.

- a) December 7, 1978. Debates, pp.5807-19. Edighoffer (Deputy Speaker).

77.2 Five days notice required for committee consideration of Private Bills.

- a) November 7, 1978. Journals, p.189. Stokes.

Note:- Standing Order 79 speaks of 5 calendar days notice.

ORDER – Point of (See also Privilege)

78.1 Points of order must be raised at time of alleged breach of order.

- a) March 27, 1903. Journals, p.76. Charlton.
- b) May 11, 1965. Debates, p.2759. Morrow.
- c) April 20, 1970. Journals, pp.89-90. Cass.

78.2 Member must be recognized by Speaker to raise point of order.

- a) April 30, 1969. Journals, pp.128-9. Cass.

78.3 Failure of minister to report back to House on matters as promised not a point of order.

- a) November 29, 1983. Debates, p.3487. Turner.

78.4 Defined.

- a) December 15, 1986. Debates, p.4202. Edighoffer.

ORDERS AND NOTICES PAPER

79.1 Order for debate of sessional paper may be placed on the Order Paper without motion.

- a) October 16, 1979. Journals, pp.163-4. Stokes.

Note:- On March 13, 1980, the House adopted a new Standing Order setting out a procedure for placing a sessional paper on the Order Paper for debate. See Standing Order 36.

79.2 Procedure for dealing with various bills listed under the Order "Committee of the Whole House".

- a) February 17, 1983. Debates, pp.7742-3. Cousens (Deputy Chairman).

ORDERS OF THE DAY

- 80.1 Orders of the day are called by the Government House Leader. (See 50.1)

PAPERS – Tabling of (See also Returns)

- 82.1 Tabling of copy of court decision ruled irregular.
a) February 10, 1885. Journals, p.35. Clarke.
- 82.2 Tabling of notice of motion for production of papers does not compel production of documents.
a) March 13, 1974. Journals, p.18. Reuter.
- 82.3 Private members may table any documents they wish to table.
a) April 6, 1949. Journals, pp.205-6. Davies.
- 82.4 Documents cannot be received until Speaker has been elected.
a) December 7, 1871. Journals, pp.1-2. Gillmor (Clerk of the House).

PECUNIARY INTEREST (See Conflict of Interest)

PETITIONS (Public)

- 85.1 General ruling on nature of petitions.
a) April 4, 1977. Journals, pp.21-3. Debates, pp.101-3. Rowe.
- 85.2 Petition relating to matter outside jurisdiction of Assembly.
- ruled in order January 21, 1873. Journals, p.41. Currie.
- ruled out of order April 4, 1977 (See 85.1)
- 85.3 Petition must not pray for “any expenditure, grant or charge on the public revenue”. (S.O. 31(f))
a) November 9, 1869. Journals, pp.14-5. Stevenson.
b) January 14, 1874. Journals, p.19. Wells.
c) December 12, 1975. Journals, p.70. Debates, pp.1543-4. Rowe.

Note:- This request for conversion of hospital facilities ruled out of order as it “contemplates a charge on the public revenue”.

- d) April 26, 1977. Debates, p.894. Rowe.
- e) May 1, 1979. Debates, p.1475. Stokes.
- f) November 15, 1979. Debates, pp.4483, 4510. Stokes.
- g) November 20, 1979. Debates, p.4646. Stokes.

Note:- This was not a ruling. A petition calling for application of funds raised in a certain way to a particular programme was not ruled out of order.

- h) May 20, 1980. Debates, pp.2010-1. Stokes.
- i) December 10, 1980. Debates, p.5155. Stokes.
- j) November 2, 1981. Journals, p.166. Debates, p.3047. Turner.

Note:- A request for government “to assist in removal” of foam insulation permitted since assistance need not be financial.

85.4 Petitions need not be vetted by Clerk of the House before presentation.

- a) December 11, 1975. Journals, p.57. Rowe.

Note:- This ruling reverses earlier rulings of June 1, 1973, and December 9, 1975 (See Journals, p.56. Debates, pp.1408-9. Rowe).

85.5 On reading of petitions.

- a) April 1, 1891. Journals, p.66. Ballantyne.
- b) March 18, 1892. Journals, pp.96-7. Ballantyne.

Note:- The rulings of 1891 and 1892 indicate that unanimous consent is required before petitions may be read at the time of presentation. Since this was closely tied in with the vetting of petitions by the Clerk, which was abandoned in 1975, these rulings would seem obsolete.

- c) April 4, 1977. Journals, pp.21-3. Debates, pp.101-3. Rowe.
- d) June 12, 1981. Debates, p.1541. Turner.

Note:- In his general ruling of April 4, 1977, Speaker Rowe stated: “When sending a petition to the Table, a member should not make any comment about its con-

tents. If and when the petition is declared to be in order, Standing Order 85 will then apply". Standing Order 31 provides that in presenting a petition a member shall "confine himself to a statement of the petitioners, the number of signatures and the material allegations". The current practice is for the member to summarize the contents of the petition at the time of the presentation.

- 85.5 e) October 22, 1985. Debates, p.987. Edighoffer.
Note:- Speaker Edighoffer stated that it was not necessary to read all the "whereas" clauses. The first paragraph and the "therefore" would be sufficient.
- f) October 22, 1985. Debates, p.1171. Edighoffer.
- g) April 24, 1986. Debates, p.32. Edighoffer.
- 85.6 Petition must be addressed to House and not to minister.
 - a) June 1, 1973. Debates, pp.2563-4. Reuter.
 - b) December 9, 1975. Journals, p.56. Debates, pp.1408-9. Rowe.
 - c) April 4, 1977. Journals, pp.21-3. Debates, pp.101-3. Rowe.
- 85.7 Petitioners must be aware that they are petitioning Parliament.
 - a) April 4, 1977. Journals, pp.21-3. Debates, pp.101-3. Rowe.

PETITIONS (By Members)

- 86.1 Petition by members in support of a want of confidence motion is out of order.
 - a) February 12, 1924. Journals, pp.29-30. Thompson.
- 86.2 Petition not printed in Journals as it contained unfounded allegation against member.
 - a) March 4, 1924. Journals, pp.103-4. Thompson.
- 86.3 Petitions signed only by members are not public petitions.
 - a) June 1, 1973. Debates, pp.2563-4. Reuter.
- 86.4 Petitions to refer sessional papers other than statutory reports of ministries or boards is out of order.
 - a) March 30, 1979. Debates, p.560. Rowe.

b) October 26, 1982. Debates, pp.4578-9. Turner.

86.5 Petitions referring statutory Annual Reports to committees.

a) Must be statutory annual report.

January 17, 1983. Debates, p.6493. Turner.

b) Statutory annual report of agency, board or commission.

January 20, 1983. Journals, p.289. Debates, pp.6654-5.

January 21, 1983. Journals, pp.292-3.

January 21, 1983. Debates, pp.6709-10. Turner.

Note:- This provision was repealed on April 28, 1986. Statutory annual reports are now permanently referred to the appropriate committee. See Standing Order 35(c).

86.6 Petitions may not be presented by ministers of the Crown or by the Speaker.

a) October 18, 1983. Debates, p.2194. Turner.

PRECEDENT, STRENGTH OF

87.1 Long established custom may supercede rules of House.

a) March 15, 1948. Journals, pp.47-8. Hepburn.

Note:- In a similar instance (March 21, 1912 – Journals, pp.184-5), it was ruled that custom did not override the rules.

b) February 22, 1966. Debates, pp.773-8. Morrow.

c) February 19, 1936. Journals, pp.11, 21-3. Hipel.

d) January 19, 1937. Journals, pp.9-10. Hipel.

PRIVATE BILLS, NATURE

89.1 General.

a) April 4, 1944. Journals, pp.124-5. Stewart.

89.2 Illustrations of specific bills ruled to be public or private.

a) December 9, 13, 1869 (Amendment of Ontario Medical Act). Journals, pp.81, 88-9. Stevenson.

b) December 16, 1869 (Benchers of Law Society). Journals, p.107. Stevenson.

c) February 16, 1872 (Uniting County of Perth for registration). Journals, p.159. Stevenson.

89.3 Private Act must be amended by private bill.

March 8, 1899. Journals, p.150. Evanturel.

89.4 Private Bill referred by Clerk to Standing Committee on Procedural Affairs (1986 – Standing Committee on the Legislative Assembly).

a) October 18, 1984. (Committee Transcript No. P27).

b) January 21, 1987. (Committee Transcript No. M57).

PRIVATE BILLS, Procedure

Rulings of December 22, 1869, January 27, 1876 and March 19, 1886, respecting notice of amendment to Private Bills, are obsolete.

90.1 Doubts concerning adequacy of notices for private bill after amendment by committee referred, on recommendation of Speaker, to Committee on Standing Orders.

a) March 19, 21, 22, 1873. Journals, pp.263, 297-8, 307-8. Currie.

90.2 Not Speaker's authority to refer private bill to Standing Orders Committee for examination of notices.

a) February 19, 1877. Journals, p.149. Wells.

90.3 Minor amendment to bill does not require re-examination of notices by Standing Orders Committee.

a) February 10, 1868. Journals, p.52. Stevenson.

90.4 Procedure for amending a private bill to include provisions not embraced in the notice of application.

a) March 19, 21, 22, 1873. Journals, pp.263, 297-8, 307-8. Currie.

90.5 Person other than sponsor of a private bill moving second reading.

a) May 31, 1982. Debates, pp.2171-2. Turner.

PRIVATE BILLS – Committee

91.1 Five days notice required for Committee consideration of Private Bills.

a) November 7, 1978. Journals, p.189. Stokes.

PRIVATE MEMBERS' BILLS

- 92.1 Private Members' Bills which have received Royal Assent
- a) Bill 138, An Act to amend the Municipal Act. Gordon B. Ellis. Royal Assent April 1, 1949.
 - b) Bill 125, An Act to amend the Change of Name Act. Everett L. Weaver. Royal Assent April 10, 1952.
 - c) Bill 10, An Act to amend the Election Finances Reform Act, 1975. Jack Johnson. Royal Assent April 25, 1977.
 - d) Bill 159, An Act to amend the Family Law Reform Act, 1978. James Breithaupt. Royal Assent December 20, 1979.
 - e) Bill 15, An Act to amend the Game and Fish Act. Ed Philip. Royal Assent May 1, 1980.
 - f) Bill 146, Geographic Township of Hansen Act, 1986. Yuri Shymko. Royal Assent November 18, 1986.
 - g) Bill 58, Time Amendment Act, 1986. Ross McClellan. Royal Assent November 27, 1986.
 - h) Bill 52, Health Protection and Promotion Amendment Act, 1987. Jack Pierce. Royal Assent May 21, 1987.
 - i) Bill 10, Landlord and Tenant Amendment Act, 1987. David Reville. Royal Assent June 29, 1987.
 - j) Bill 188, Retail Business Holidays Amendment Act, 1987. George Ashe. Royal Assent June 29, 1987.

PRIVATE MEMBERS' BUSINESS

- 94.1 Procedure.
- a) April 14, 1977. Journals, p.33. Rowe.
 - b) October 20, 1977. Journals, p.59. Stokes.
- 94.2 Blocking of a vote by 20 members rising in their places does not constitute a "decision" on a private member's bill.
- a) November 27, 1978. Debates, pp.5317-9. Stokes.
- 94.3 Members with time reserved for debate of private members' business may not transfer that time to another member.
- a) June 22, 1978. Debates, p.3843. Rotenberg (Acting Speaker). By unanimous consent, member transferred the time remaining for his concluding remarks to another member.
 - a) June 25, 1987. Debates, pp.1702-3. Morin (Acting Speaker).

- 94.4 Unanimous consent required to alter ballot list on day allocated to private members' business.
 - a) November 17, 1977. Debates, p.1951. Rowe.
- 94.5 Amendments permitted to private members' resolutions.
 - a) November 8, 1979. Debates, pp.4318-20. Edighoffer (Deputy Speaker).

Note:- This ruling has been superceded by an Order of the House, of March 13, 1980, prohibiting such amendments.
- 94.6 Procedure for recording names of members objecting to putting of question.
 - a) May 31, 1979. Journals, p.107. Edighoffer (Deputy Speaker).
- 94.7 Instance of withdrawal of private member's bill just before division.
 - a) November 4, 1982. Debates, p.4906. Turner.
- 94.8 Unanimous consent required to proceed with private member's item which has not had two weeks' notice.
 - a) June 14, 1979. Debates, pp.2887-8. Stokes.
- 94.9 Procedure for calling divisions for private members' public business.
 - a) October 27, 1983. Debates, pp.2514-5. Jones (Deputy Speaker).
- 94.10 Procedure if member whose ballot item is to be considered is not present.
 - a) October 25, 1984. Journals, pp.181-2. Debates, p.3521. Turner.
 - b) May 6, 1987. Debates, pp.223-4. Edighoffer.
- 94.11 Procedure if bill referred to standing or select committee.
 - a) November 21, 1985. Debates, p.1696. Edighoffer.
 - b) January 16, 1986. Debates, pp.3158-9. Edighoffer.
 - c) January 23, 1986. Debates, pp.3400-1. Edighoffer.
 - d) May 29, 1986. Debates, p.1003. Edighoffer.
 - e) May 14, 1987. Debates, p.483. Edighoffer.
- 94.12 Procedure when only one ballot item considered.

- a) January 21, 1986. Debates, pp.3311-2. Edighoffer.
- January 23, 1986. Debates, pp.3387, 3393, 3400. Edighoffer.

94.13 Procedure for one member to carry another member's ballot item.

- a) November 15, 1979. Journals, p.203. Stokes.
- b) April 17, 1980. Journals, p.57. Stokes.
- c) June 26, 1986. Debates, p.1987. Treleaven (Deputy Speaker).
- d) May 6, 1987. Debates, pp.223-4. Edighoffer.

94.14 Unanimous consent required for substitution of ballot item on day for private members' business.

- a) October 23, 1986. Debates, p.2742. Morin (Acting Speaker).

PRIVILEGE – Definition and limitation

95.1 On the nature of privilege.

- a) May 25, 1981. Journals, pp.65-6. Turner.
- b) May 4, 1982. Journals, pp.73-4. Turner.
- c) May 27, 1982. Journals, p.98. Turner. (See also May 25, 1982. Debates, pp.1990-4).
- d) May 9, 1983. Debates, pp.571-2. Turner.
- e) December 10, 1985. Debates, pp.2287-8. Edighoffer.
- f) December 15, 1986. Debates, pp.4201-2. Edighoffer.

95.2 Misquotation or statement by member about another in the House is not a matter of privilege (see also 122.6 and 122.7).

- a) October 9, 1969. Journals, p.209. Debates, p.6861. Cass.
- b) October 9, 1973. Journals, p.138. Reuter.
- c) April 6, 1977. Debates, pp.221-2, 224. Rowe.
- d) June 19, 1979. Debates, pp.3061-2. Stokes.

Note:- These rulings supercede ruling of March 18, 1936.

95.3 Statement by member "to correct the record" is not a matter of privilege.

- a) June 19, 1979. Debates, pp.3061-2. Stokes.

- b) October 22, 1981. Debates, pp.2598, 2717-8. Turner.
 - c) November 4, 1982. Debates, pp.4867-8. Turner.
 - d) December 10, 1985. Debates, p.2285. Edighoffer.
- 95.4 Privilege accorded members' statements pertains only to statements made within the House.
- a) October 9, 1969. Journals, p.209. Debates, p.6861. Cass.
 - b) October 9, 1970. Journals, p.189. Debates, pp.4779-80. Cass.
- 95.5 Privilege relates only to those special privileges enjoyed by members individually and the House collectively, and not enjoyed by non- Members.
- a) December 17, 1971. Journals, pp.19-20. Reuter.
 - b) December 17, 1971 (separate rulings). Journals, p.20. Debates, p.342. Reuter.
 - c) May 4, 1982. Journals, pp.73-4. Turner.
- 95.6 Difference of opinion or of interpretation does not constitute matter of privilege.
- a) December 17, 1971. Journals, p.20. Debates, p.342. Reuter.
 - b) November 16, 1978. Journals, pp.200-1. Debates, p.4915. Stokes.
 - c) October 22, 1981. Debates, pp.2598, 2717-8. Turner.
 - d) December 10, 1981. Journals, p.227. Debates, p.4435. Turner.
 - e) May 27, 1982 (See 95.1(c))
- 95.7 Statement of government policy made outside the House is not a matter of privilege.
- a) May 15, 1973. Journals, pp.74-5. Debates, p.1927. Reuter.
 - b) June 5, 1978. Journals, p.117. Debates, p.3132. Stokes.
 - c) May 31, 1982. Debates, pp.2127-8. Turner.
 - d) October 1, 1982. Debates, p.3917. Cousens (Acting Speaker).
 - e) November 30, 1982. Debates, pp.5627-8. Turner.
 - f) February 1, 1983 (General discussion of subject). Journals, pp.306-7. Debates, pp.7081-2. Turner.
 - g) February 3, 1983. Debates, p.7167. Turner.
 - h) February 21, 1983. Debates, p.7819. Turner.

- i) April 22, 1983. Debates, pp.106-8. Turner.
 - j) May 9, 1983 (See 95.1 (d))
 - k) November 8, 1983. Debates, p.2863. Turner.
 - l) July 8, 9, 1985. Debates, pp.535-6, 573. Edighoffer.
 - m) December 10, 1985. Debates, pp.2287-8. Edighoffer.
 - n) February 4, 1986. Debates, p.3774. Edighoffer.
 - o) June 5, 1986. Debates, pp.1221-2. Edighoffer.
 - p) June 10, 1986. Debates, p.1297. Edighoffer.
 - q) October 23, 1986. Debates, p.2755. Edighoffer.
- 95.8 Misquotation or unfair report about member in the press constitutes a matter of privilege.
- a) March 19, 1970. Debates, pp.824-5. Cass.
 - b) June 25, 1970. Journals, pp.173-4. Debates, pp.4498-9. Cass.
 - c) October 9, 1973. Journals, p.209. Debates, p.6861. Cass.
 - d) June 2, 1983. Debates, pp.1313-5. Turner.
- 95.9 Changes to regulations without informing the House is not a matter of privilege.
- a) May 15, 1973. Journals, pp.74-5. Debates, p.1927. Reuter.
- 95.10 Exclusion of the member from private government meeting is not a matter of privilege.
- a) June 24, 1975. Journals, p.102. Debates, p.3307. Rowe.
- 95.11 Recording of members' telephone conversations is not a matter of privilege, but it may constitute a contempt of the House.
- a) April 11, 1972. Journals, p.47. Debates, p.1070. Reuter.
- 95.12 Service of documents on member during prohibited period and in the precincts of the House without permission constitutes a *prima facie* breach of privilege.
- a) April 6, 1978. Journals p.54. Debates, pp.1238-9. Stokes.
- Note:- This became known as the "Riddell case" which was reviewed in detail by the Procedural Affairs Committee. The committee concluded that the member's privileges had indeed been breached.
- 95.13 Lack of television coverage of House proceedings not a matter of privilege or order.

- a) April 8, 1974. Debates, pp.882-3. Reuter.
- 95.14 Refusal of minister to answer question, to make a statement, to table documents or otherwise to provide information is not a matter of privilege.
 - a) March 13, 1974. Journals, p.18. Reuter.
 - b) May 4, 1982. Journals, pp.73-4. Turner.
 - c) May 19, 1983. Debates, p.867. Turner.
 - d) June 2, 1983. Debates, pp.1301-2. Turner.
 - e) October 28, 1985. Debates, p.1141. Edighoffer.
- 95.15 Publication of committee report prepared *in camera* is a matter of privilege.
 - a) November 23, 1972. Journals, p.164. Debates, pp.4718-9. Reuter.
 - b) See Report of the Standing Committee on Procedural Affairs on Standing Orders and Procedure (No. 3) (1984).
 - c) November 7, 1985. Debates, pp.1451-2. Edighoffer.
- 95.16 Privilege and mailing of member's constituency newsletter.
 - a) November 3, 1980. Debates, pp.3997-8. Rowe.
- 95.17 Opening by federal authorities of letter to member from inmate of federal penal institution is not a matter of privilege.
 - a) December 11, 1980. Journals, pp.244-5. Stokes.
- 95.18 Alleged breach of budget secrecy not a matter of privilege.
 - a) November 13, 1980. Debates, pp.4215-6, 4227-9. Stokes.
- 95.19 Communications by members to news media concerning other member not a matter of privilege.
 - a) November 25, 1980. Debates, pp.4591-2. Stokes.
- 95.20 Alleged electoral irregularities not a matter of privilege.
 - a) December 17, 1971. Journals, p.20. Debates, p.342. Reuter.
- 95.21 Instance of allegation of member having mislead the House found not to be a matter of privilege.
 - a) May 20, 1969. Journals, pp.148-9. Debates, p.4535. Cass.
- 95.22 Correspondence between members cannot form basis of a matter of privilege.
 - a) June 25, 1970. Journals, p.174. Cass.

- 95.23 Threats against members may constitute a matter of privilege, but only if person making threat is known.
 a) June 25, 1970. Journals, pp.174-5. Debates, pp.4498-9. Cass.
- 95.24 Member's comment about non-members not a matter of privilege.
 a) April 18, 1980. Debates, pp.568-9. Stokes.
- 94.25 Refusal to member of visiting rights to provincial institution not a matter of privilege.
 a) June 4, 1969. Journals. p.168. Debates, pp.5261-2. Cass.
- 95.26 Statements by members outside the House are not a matter of privilege (see also 44.5).
 a) October 9, 1969. Journals, p.209. Debates, p.6861. Cass.
 b) June 24, 1981. Debates, pp.2016-7, 2022. Turner.
 c) December 15, 1981. Journals, pp.239-40. Debates, pp.4581-2. Turner.
 d) December 10, 1985. Debates, pp.2287-8. Edighoffer.
 e) December 10, 1985. Debates, p.2288. Edighoffer.
 f) December 12, 1985. Debates, p.2398. Edighoffer.
- 95.27 Urging persons to support fund-raising event on behalf of a member is not a matter of privilege.
 a) April 1, 1982. Journals, pp.35-6. Debates, pp.441-2. Turner.
- 95.28 Document reflecting on member but not in his capacity as member cannot form the basis of a matter of privilege.
 a) June 25, 1970. Journals, p.175. Debates, p.4499. Cass.
- 95.29 Statement by member to correct the record arising out of proceedings in a standing committee is not a matter of privilege.
 a) October 1, 1982. Debates, p.3917. Cousens (Acting Speaker).
- 95.30 Limits on jurisdiction of Provincial Auditor is not a matter of privilege.
 a) December 8, 1982. Debates, p.5927. Turner.
- 95.31 Matters judged to be *sub judice* are not matters of privilege.

- a) November 18, 1982. Debates, pp.5229-31. Turner.
- 95.32 A matter of privilege not arising out of the oral Question Period may not be raised during Question Period.
 - a) May 13, 1983. Debates, p.735. Cousens (Acting Speaker).
 - b) June 2, 1983. Debates, pp.1302-3. Turner.
 - c) May 1, 1981. Journals, p.30. Turner.
 - d) May 4, 1984. Debates, p.1235. Jones (Deputy Speaker).
- 95.33 Premature disclosure of budget provisions not a matter of privilege.
 - a) May 9, 1983. Debates, pp.571-2. Turner.
- 95.34 Status of members before provincial tribunals is not a matter of privilege.
 - a) May 19, 1983. Debates, pp.880-1. Turner.
- 95.35 Member denied access to civil servant. Not a matter or privilege.
 - a) May 31, 1984. Journals, pp.108-9. Debates, pp.1973-4. Turner.
- 95.36 Privilege of freedom from arrest, detention or molestation during period prescribed by Legislative Assembly Act.
 - a) December 7, 1984. Journals, p.246. Debates, p.4745. Turner.
- 95.37 Report regarding the member for Riverdale (Mr Reville) and the Canadian Imperial Bank of Commerce.
 - a) January 9, 1986. Debates, p.2878. Edighoffer.
- 95.38 Statements made by ministerial aides outside the House on Government policy not a matter of privilege.
 - a) June 5, 1986. Debates, pp.1221-2. Edighoffer.
 - June 10, 1986. Debates, p.1297. Edighoffer.
- 95.39 Report on service of process on a member within the precincts of the House.
 - a) April 29, 1987. Journals, p.34. Edighoffer.

PRIVILEGE – Procedure

- 96.1 House, not Speaker, determines disposition of privilege matters; Speaker's responsibility is to determine whether matter is *prima facie* a matter of privilege.
- a) October 9, 1970. Journals, p.189. Debates, pp.4779-80. Cass.
 - b) April 6, 1978. Journals, p.54. Debates, pp.1238-9. Stokes.
 - c) April 1, 1982. Journals, pp.35-6. Debates, pp.441-2. Turner.
 - d) May 4, 1982. Journals, pp.73-4. Turner.
 - e) April 1, 1982 (Originally arose March 30, 1982). Debates, pp.369, 441-2. Turner.
 - f) June 2, 1983. Debates, pp.1313-5. Turner.
- 96.2 Procedure for calling person who has breached privilege to the bar of the House.
- a) July 16, 1968. Journals, pp.197-8. Cass.
 - b) October 9, 1969. Journals, pp.209. Debates, p.6861. Cass.
- 96.3 Member rising on a point of privilege must be in a position to name the offender and move that he be called to the bar of the House.
- a) June 25, 1970. Journals, pp.174-5. Debates, pp.4498-9. Cass.
- 96.4 Motion to refer a *prima facie* case of privilege to committee does not require notice and is dealt with immediately; motion on matter ruled not to be a *prima facie* case of privilege is treated as private members' business.
- a) April 6, 1978. Journals, p.54. Debates, pp.1238-9. Stokes.
 - b) December 10, 1981. Debates, pp.4465-6. Turner.
- 96.5 Member whose privileges have been breached may report matter to House without moving that any action be taken.
- a) June 22, 1979. Debates, p.3225. Stokes.
- Note:- This was an instance of a member served with a subpoena.
- 96.6 House, not Speaker or Government, calls a person before the bar of the House.
- a) March 18, 1959. Journals, p.136. Downer.

b) March 19, 1970. Debates, pp.824-5. Cass.

96.7 Instance of person appearing before bar of the House.

a) June 24, 1903. Journals, pp.335-6. Charlton.

96.8 Motion of censure against member treated as matter of privilege and therefore does not require notice.

a) March 18, 1936. Journals, pp.117-8. Hipel.

Note:- More recent rulings (see Censure) suggest that this ruling has been superseded.

96.9 Motion to refer alleged matter of privilege to committee must be unambiguous and contain specific allegations or quotations.

a) March 25, 1959. Journals, p.184. Debates, pp.1749-51. Downer.

96.10 Matter of privilege must be raised at earliest possible opportunity.

a) December 21, 1982. Journals, p.280. Debates, p.6433. Turner.

96.11 Matter of privilege arising out of proceedings in a standing committee must be dealt with first by the committee in question. Committee may make report to House on which House may act.

a) May 14, 1987. Debates, p.485. Edighoffer.

QUESTIONS AND QUESTION PERIOD

Until 1970, the putting of oral questions prior to the Orders of the Day was done entirely on the forbearance of the House and the Speaker, for the only questions permitted under the rules were written questions. Speaker Cass' ruling of March 31, 1969, sets out the principles clearly:

"As has been explained on many occasions in the House, the only questions contemplated by our rules are the written questions which appear on the Notice Paper. The putting of oral questions before the Orders of the Day on private notice is a practice of long standing, which has the authority of precedent and approval by the House, and the procedure on such questions has also been well established by practice and pre-

edent. When the Speaker or the Minister to whom the question is directed is of the opinion that the question is not a proper one to be answered orally before the Orders of the Day, the Speaker or the Minister, as the case may be, may require that the question be placed by the Clerk on the Notice Paper as a written question. This may be for any number of reasons, such as that the answer is too voluminous or too statistical to be given orally or that the subject matter is not sufficiently urgent. The discretion of a Minister in this matter is analogous to the discretion given him by Rule 37(c) under which he may in the case of a *written* question when the answer would require any statements of facts or records or statistics of a lengthy or voluminous nature, or other material which in the opinion of the Minister should be made the subject of a Return, instead of answering the question, require a motion be made for a Return."

The Standing Orders adopted in April, 1970, provided a formal set of rules for oral question period, which were modified slightly by the Provisional Orders of December, 1976, and by the Standing Orders which came into force in December, 1978.

These Standing Orders rendered obsolete most pre-1970 Speaker's Rulings on questions, for example: debatable questions are not permitted (March 14, 1912); questions may not deal with matters of government policy (March 27, 1914; March 10, 1926); questions may be directed to private members (February 24, 1969). Other recent rulings superseded by the Standing Orders include: February 15, 1960; January 22, 1965; May 27, 1965; December 4, 1968.

QUESTIONS – GENERAL

101.1 Minister may answer question in any way he sees fit.

- a) March 23, 1925. Journals, p.164. Thompson.
- b) March 15, 1935. Journals, pp.61-3. Hipel.
- c) March 13, 1974. Journals, p.18. Reuter.
- d) November 4, 1980. Debates, p.4033. Stokes.
- e) April 1, 1982. Debates, p.454. Turner.
- f) October 22, 1982. Debates, pp.4485-6. Turner.
- g) October 28, 1982. Debates, pp.4631-3. Turner.

- h) May 19, 1983. Debates, p.880. Turner.
 - i) October 25, 1983. Debates, p.2406. Turner.
 - j) July 8, 1985. Debates, p.535. Edighoffer.
- 101.2 Not Speaker's responsibility to elicit information from ministers. (See also 40.1)
- a) May 3, 1979. Debates, pp.1542-3. Stokes.
 - b) October 16, 1980. Debates, pp.3417-8. Stokes.
 - c) November 4, 1980. Debates, p.4033. Rowe.
 - d) December 1, 1980. Debates, p.4782. Stokes.
 - e) January 17, 1983. Debates, p.6505. Turner.
 - f) May 19, 1983. Debates, p.880. Turner.
 - g) October 18, 1983. Debates, p.2192. Turner.
 - h) July 8, 1985. Debates, p.535. Edighoffer.
- 101.3 Questions not permitted on minister's personal views.
- a) November 30, 1978. Journals, pp.218-9. Stokes.
- 101.4 Question must relate to particular ministry or administrative responsibilities of minister.
- a) December 8, 1978. Debates, pp.5845-6. Rowe.
 - b) November 9, 1983. Debates, p.2933. Turner.
 - c) November 5, 1984. Debates, p.3826-7. Turner.
 - d) November 27, 1984. Debates, pp.4475-6. Turner.
 - e) November 21, 1985. Debates, pp.1666-7. Edighoffer.
 - f) December 12, 1985. Debates, p.2397. Edighoffer.
 - g) May 29, 1986. Debates, p.1018. Edighoffer.
 - h) June 3, 1986. Debates, p.1135. Edighoffer.
- 101.5 Questions asking for great detail should be written.
- a) October 29, 1979. Debates, pp.3929-30. Stokes.
 - b) December 10, 1979. Debates, pp.5301-2. Stokes.
- 101.6 Minister is not obligated to answer a redirected question.
- a) December 14, 1979. Debates, p.5531. Edighoffer (Deputy Speaker).
- 101.7 Members of party forming government have right to ask questions.
- a) September 30, 1982. Debates, p.3859. Turner.

- 101.8 Answers to previously asked questions which are comprehensive (long) should be given during "Statements by the Ministry".
- a) June 17, 1985. Debates, p.327. Edighoffer.
 - b) July 4, 1985. Debates, pp.460-1. Edighoffer.
 - c) July 5, 1985. Debates, p.502. Edighoffer.
 - d) October 28, 1985. Debates, p.1139. Edighoffer.
 - e) December 12, 1985. Debates, p.2356. Edighoffer.
- 101.9 Minister clarifying or correcting previous answer should do so during ministerial statements.
- a) July 9, 1985. Debates, pp.585-6. Edighoffer.

QUESTION PERIOD

- 102.1 Speaker's discretion to add time to Question Period to compensate for particularly long answer or for other reasons.
- a) April 19, 1979. Debates, pp.1072-3. Stokes.
 - b) April 30, 1979. Debates, pp.1417-8. Stokes.
- 102.1 c) June 12, 1979. Debates, p.2807. Stokes.
 d) June 13, 1980. Debates, p.2806. Stokes.
- Note:- In this instance, a request to extend question period was denied, because original question was detailed.
- e) October 20, 1980. Debates, pp.3536-7. Stokes.
 - f) October 31, 1980. Debates, pp.3956-7. Stokes.
 - g) November 14, 1980. Debates, pp.4299-4300. Stokes.
 - h) December 1, 1980. Debates, p.4781. Stokes.
 - i) June 4, 1981. Debates, pp.1243-5. Turner.
 - j) December 7, 1981. Debates, p.4258. Turner.
 - k) June 4, 1982. Debates, pp.2357-8. Cureatz (Deputy Speaker).
 - l) October 28, 1982. Debates, pp.4648-9. Turner.
 - m) February 4, 1983. Debates, pp.7235-6. Turner.
 - n) July 4, 1985. Debates, pp.460-1. Edighoffer.
 - o) July 5, 1985. Debates, p.502. Edighoffer.
 - p) July 9, 1985. Debates, pp.585-6. Edighoffer.
 - q) October 28, 1985. Debates, p.1139. Edighoffer.
 - r) December 12, 1985. Debates, p.2356. Edighoffer.
 - s) January 10, 1986. Debates, p.2935. Edighoffer.

- t) February 7, 1986. Debates, p.3916. Edighoffer.
 - u) May 1, 1986. Debates, p.211. Edighoffer.
 - v) May 8, 1986. Debates, p.431. Edighoffer.
- 102.2 Time taken by points of order but not by (*bona fide*) points of privilege is deducted from Question Period time. .
- a) December 8, 1975. Debates, p.1360. Rowe.
 - b) December 13, 1978. Debates, p.6061. Rowe.
 - c) December 14, 1978. Debates, pp.6176-7. Rowe.
 - d) May 1, 1981. Journals, p.30. Debates, pp.206-7. Turner.
 - e) November 3, 1983. Debates, p.2715. Turner.
- 102.3 Procedure at end of Question Period.
- a) November 21, 1977. Journals, pp.108-9. Stokes.
 - b) October 21, 1980. Debates, pp.3589-90. Stokes.
 - c) May 8, 1981. Debates, pp.515-6. Turner.
 - d) June 15, 1982. Debates, pp.2695-8. Turner.
 - e) December 2, 1983. Debates, pp.3644-5. Jones (Deputy Speaker).
- 102.4 Minister may redirect question. (See also 102.11)
- a) April 20, 1979. Debates, pp.1153-4. Stokes.
 - b) April 18, 1980. Debates, pp.917-8. Edighoffer (Deputy Speaker).
 - c) April 21, 1980. Debates, p.951. Stokes.
 - d) April 23, 28, May 1, 1981. Debates, pp.31-2, 130-2, 268-9. Journals, p.30. Turner.
 - e) February 9, 1983. Debates, p.7410. Turner.
 - f) May 17, 1983. Debates, p.809. Turner.
 - g) June 13, 1985. Debates, p.220. Edighoffer.
 - h) November 29, 1985. Debates, p.1953. Edighoffer.
 - i) February 12, 1986. Debates, p.4063. Edighoffer.
 - j) June 2, 1986. Debates, pp.1078-9. Treleaven (Deputy Speaker).
 - k) February 9, 1987. Debates, p.5274. Edighoffer.
- 102.5 Question permitted by Chief Government Whip, who sits in Cabinet but is not a minister.
- a) October 26, 1978. Debates, pp.4216-7. Rowe.
- 102.6 On parliamentary assistants answering questions.
- a) November 24, 27, 1975. Journals, pp.35-6, 38. Rowe.

Note:- This ruling has been largely superseded by S.O. 29(h): "Parliamentary Assistants may answer for their Ministers only when authorized by the Premier".

- 102.7 Questions should be posed without preamble and answered with equal precision.
- a) October 29, 1975. Journals, p.11. Rowe.
 - b) October 27, 1980. Debates, p.3759. Stokes.
 - c) May 31, 1983. Journals, p.67. Debates, p.1227. Turner.
- 102.8 Questions permitted during Question Period which would not be permitted during Orders of the Day.
- a) June 5, 1979. Debates, p.2572. Stokes.
- 102.9 Speaker's discretion to consider a question as being supplementary or as a new question.
- a) May 1, 1981. Debates, p.275. Turner.
- 102.10 Question period continues when one party leaves the Chamber during period.
- a) January 21, 1986. Debates, pp.3303-4. Edighoffer.
- 102.11 Only original question, not supplementary, may be redirected.
- a) April 23, 28, May 1, 1981. Journals, p.30. Debates, pp. 31-2, 130-2, 268-9. Turner.
 - b) April 24, 1981. Debates, p.69. Turner.
 - c) June 8, 1981. Debates, p.1343. Turner.
 - d) March 15, 1982. Debates, p.129. Turner.
 - e) March 18, 1982. Debates, pp.224-5. Turner.
 - f) February 9, 1983. Debates, p.7410. Turner.
- But see ruling of Speaker Edighoffer where redirection of supplementary question by one minister to another was ruled in order.
- February 9, 1987. Debates, p.5274. Edighoffer.
- 102.12 Minister permitted to add further information to answer given earlier in Question Period (not a ruling).
- June 16, 1981. Debates, p.1651. Turner.
- 102.13 Not Speaker's responsibility to limit time taken by leaders' questions.
- a) June 25, 1981. Debates, pp.2073-4. Turner.
 - b) November 16, 1982. Debates, p.5189. Turner.

- c) February 4, 1983 (time taken on Leaders' questions). Debates, pp.7235-6. Turner.
- 102.14 If minister is not in his place, question may not be put to him.
 - a) November 15, 1982. Debates, pp.5114-5. Turner.
- 102.15 Multiple questions and multiple answers not permitted.
 - a) April 19, 1983. Journals, pp.12-13. Debates, p.25. Turner.
- 102.16 Member who rises to ask question, but finds minister is not present and does not ask question, does not use up his party's turn in Question Period.
 - a) June 6, 1983. Debates, p.1419. Turner.
- 102.17 Procedure for lengthy answers to previously asked questions.
 - a) October 17, 1983. Debates, pp.2146-7. Turner.
- 102.18 Rotation of questions from different parties.
 - a) December 2, 1983. Debates, pp.3644-5. Jones (Deputy Speaker).
- 102.19 Procedure when member of party forming government asks a question.
 - a) April 17, 1984. Debates, p.781. Turner.
- 102.20 Parliamentary assistants may not direct questions to their own ministers (See S.O. 29(g)).
 - a) May 17, 1984. Debates, pp.1567-8. Turner.
 - b) May 1, 1986. Debates, p.211. Edighoffer.
 - c) June 25, 1987. Debates, p.1730. Edighoffer.
- 102.21 Question ruled out of order, not being of urgent public importance.
 - a) December 13, 1985. Debates, pp.2426-7. Edighoffer.
- 102.22 Decisions of Speaker with respect to oral questions not appealable.
 - a) January 9, 1986. Debates, p.2872. Edighoffer.
- 102.23 Procedure to be followed when minister wishes to reply to previously asked question but member not present.
 - a) June 3, 1986. Debates, p.1131. Edighoffer.
 - June 4, 1986. Debates, pp.1158-9. Edighoffer.

June 9, 1986. Debates, p.1257. Edighoffer.

SUPPLEMENTARY QUESTIONS

103.1 Questions ruled not to be supplementary.

March 8, 1979 (Lakeshore Psychiatric Hospital). Debates, pp.29-30. Stokes.

May 24, 1979 (Complaints Against Police). Debates, p.2132. Edighoffer (Deputy Speaker).

October 22, 1979 (Oil Pricing). Debates, p.3692. Stokes.

November 30, 1979 (Tourist Information). Debates, p.5023. Edighoffer (Deputy Speaker)

March 27, 1980 (Federal mortgage assistance grants). Debates, pp.262-3. Stokes.

April 22, 1980 (Minaki Lodge). Debates, pp.999-1001. Stokes.

October 17, 1980 (Hamilton Sports Facilities). Debates, pp.3493-6. Stokes.

October 23, 1980 (Funding of Thunder Bay Hospital). Debates, pp.3655-6. Stokes.

November 6, 1980 (Bruce Teachers' Dispute). Debates, p.4115. Stokes.

November 24, 1980 (Fire Safety in Nursing Homes). Debates, pp.4539-40. Stokes.

December 9, 1980 (Food Prices). Debates, p.5075. Stokes.

December 12, 1980 (Ontario Produce). Debates, pp.5318-9. Stokes.

May 1, 1981 (Health Disciplines Board). Debates, pp.278-9. Turner.

June 19, 1981 (Hospital Budgets). Debates, pp.1834-6. Turner.

June 23, 1981 (Policing of Mortgage Brokers). Debates, pp.1958-9. Turner.

October 26, 1981 (Campaign Expenses). Debates, p.2833. Turner.

October 29, 1981 (Railway Service). Debates, pp.2950-1. Turner.

October 29, 1981 (Massey-Ferguson Layoffs). Debates, pp.2946-9. Turner.

December 1, 1981 (Condominium Conversion). Debates, p.4072-4. Turner.

December 15, 1981 (Hydro Contracts). Debates, pp.4664-5. Turner.

April 1, 1982 (Doctors' admitting privileges). Debates, p.454. Turner.

November 19, 1982 (Homes for Special Care). Debates, pp.5286-7. Turner.

November 25, 1982 (Cancer Treatment). Debates, pp.5456-7. Turner.

December 6, 1982 (Limousine Fares). Debates, pp.5793-4. Turner.

December 16, 1982 (Mortgage Practices). Debates, pp.6233-4. Turner. October 11, 1983 (Hydro Reactors). Debates, pp.1976-7. Turner.

October 31, 1983. (Child Restraints). Debates, p.2595. Turner.

November 4, 1983. (Hydro Reactors). Debates, p.2788. Turner.

November 8, 1983. (Arbitration Rulings). Debates, pp.2874-2875. Turner.

May 4, 1984 (Operation of lotteries). Debates, p.1237. Jones (Deputy Speaker).

May 22, 1984 (Tax concessions). Debates, pp.1670-1. Turner.

October 23, 1984 (Mississauga Transit strike). Debates, pp.3461-2. Turner.

November 20, 1984 (Ontario Lottery Corporation). Debates, pp.4283-4. Turner.

January 10, 1986. (Multiculturalism announcements). Debates, p.2936. Edighoffer.

103.1 Questions ruled not to be supplementary.

January 31, 1986 (Employee health and safety). Debates, pp.3685-6. Edighoffer.

February 7, 1986 (Simultaneous interpretation in Chamber). Debates, p.3915. Edighoffer.

103.2 Questioner does not have automatic right to supplementary question.

a) November 30, 1978. Journals, pp.218-9. Stokes.

- b) October 27, 1980. Debates, p.3759. Stokes.
- 103.3 Speaker's discretion not to permit supplementary question to a detailed original question.
 - a) May 2, 1980. Debates, pp.1396-8. Stokes.
- 103.4 Speaker's discretion not to permit supplementary to question redirected to absent minister or to question taken as notice.
 - a) March 30, 1979. Debates, pp.556-7. Stokes.
 - b) April 24, 1979. Debates, pp.1235-6. Stokes.
 - c) October 6, 1980. Debates, p.3116. Stokes.
 - d) October 27, 1980. Debates, p.3767. Stokes.
 - e) October 31, 1980. Debates, p.3961. Stokes.
 - f) November 20, 1980. Debates, p.4444. Stokes.
 - g) November 21, 1980. Debates, p.4495. Stokes.
- 103.5 Speaker's discretion to limit supplementaries, and to allocate them among parties.
 - a) October 17, 1980. Debates, p.3501. Stokes.
 - b) November 4, 1980 (Repetition of original question). Debates, p.4044. Stokes.
 - c) May 11, 1981. Debates, pp.549-50. Turner.
 - d) May 21, 1981. Debates, p.828. Turner.
 - e) October 16, 1981. Debates, pp.2591-2. Turner.
 - f) October 23, 1981. Debates, pp.2797-8. Turner.
 - g) November 13, 1981. Debates, p.3489. Turner.
 - h) December 15, 1981. Debates, p.4664. Turner.
 - i) October 1, 1982. Debates, pp.3926-7. Cousens (Acting Speaker).
 - j) March 30, 1982. Debates, p.378. Turner.
 - k) April 1, 1982. Debates, p.457. Turner.
 - l) November 19, 1982. Debates, pp.5289, 5291. Turner.
 - m) May 31, 1984. Debates, p.1989. Turner.
 - n) December 10, 1985. Debates, p.2294. Edighoffer.
- 103.6 Supplementary question, which would not normally be permitted, ruled in order since minister's answer widened the parameters of question.
 - a) October 12, 1979. Debates, pp.3425-7. Stokes.
- 103.7 Supplementary question must arise from minister's answer.

- a) October 29, 1975. Journals, p.11. Rowe.
- b) May 1, 1981 (See 102.11)
- c) November 4, 1983. Debates, p.2788. Turner.
- d) October 23, 1984. Debates, p.3462. Turner.
- e) July 8, 1985. Debates, p.537. Edighoffer.
- f) December 13, 1985. Debates, p.2423. Edighoffer.
- g) February 9, 1987. Debates, p.5274. Edighoffer.
- h) May 7, 1987. Debates, pp.270-1. Edighoffer.
- i) May 26, 1987. Debates, p.763. Edighoffer.

103.8 If question re-directed, supplementary question must be directed to minister who answered question.

- a) November 21, 1985. Debates, p.1672. Edighoffer.
- b) December 3, 1985. Debates, p.2052. Edighoffer.
- c) January 24, 1986. Debates, pp.3442, 3443-4. Edighoffer.
- d) June 25, 1986. Debates, p.1938. Edighoffer.
- e) February 9, 1987. Debates, p.5274. Edighoffer.
- f) February 10, 1987. Debates, p.5324. Edighoffer.

103.9 Only original question, not supplementary question, may be re-directed.

- a) April 23, 28, May 1, 1981. Journals, p.30. Debates, pp.31-2, 130-2, 268-9. Turner.
- b) November 24, 1981. Debates, pp.3832-3. Turner.
But see ruling of Speaker Edighoffer where redirection of supplementary question by one minister to another was ruled in order.

February 9, 1987. Debates, p.5274. Edighoffer.

103.10 Guidelines adopted by House for Speaker allowing supplementary questions.

- a) April 29, 1986. Debates, p.144. Edighoffer.

WRITTEN QUESTIONS

104.1 General ruling.

- a) March 15, 1935. Journals, pp.61-3. Hipel.

104.2 Interpretation of rules respecting interim answers to written questions.

- a) October 21, 1980. Debates, p.3589. Stokes.

- 104.3 Not Speaker's responsibility to see that answer to written question satisfies questioner.
See 101.1 and 101.2
- 104.4 No adjournment debate on written enquiries.
a) November 10, 1978. Debates, p.4824. Stokes.
- 104.5 Speaker has no punitive power to force ministers to answer written questions or to answer questions within time limits specified by Standing Orders.
a) December 20, 1982. Debates, p.6343. Turner.
b) November 21, 1983. Debates, p.3197. Turner.
- 104.6 Questions relating to candidacy of member of minister's staff or of public or civil service not out of order.
a) January 20, 1986. Debates, p.3231. Edighoffer.
(See January 17, 1986. Debates, p.3204.)

QUORUM – See ADJOURNMENT FOR LACK OF QUORUM

RESOLUTIONS, FINANCIAL (See also Bills, Money)

For many years, resolutions offered by private members were ruled out of order for "interfering with" revenue or expenditure or for "contemplating" changes in financial matters. This was true even of "abstract" resolutions which sought to express an opinion (as opposed to requiring a particular action) or which proposed that a legislative committee review a given problem.

In recent years, however, it has been the practice to permit resolutions favoring a course of action calling for increased expenditure so long as the resolution followed a formula such as "in the opinion of this House, the Government should consider. . ." In part this reflects the subtle but significant alteration of S.O. 112 (now S.O. 15) in 1970. Prior to 1970, the Lieutenant-Governor's recommendation was required for "any vote, resolution or bill for the appropriation of any part of the public revenue, or of any tax or impost"; currently, a recommendation is required for "any Bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds." Under the current, more precise

wording, abstract resolutions expressing the House's opinion are clearly in order.

Accordingly, many of the following rulings are in whole or in part obsolete:

December 14, 1868 (two rulings). Journals, pp.66-7. Stevenson.

March 21, 1874. Journals, p.240. Wells.

December 11, 1874. Journals, p.125. Wells.

February 27, 1877. Journals, p.174. Wells.

March 7, 1879. Journals, p.181. Wells.

March 8, 1879. Journals, pp.194-5. Wells.

March 9, 1927. Journals, pp.98-101. Black.

April 5, 1944. Journals, pp.136-7. Stewart.

March 11, 1948. Journals, pp.41-3. Hepburn.

March 26, 1957 Journals, pp.132-3. Debates, pp.1575-7. Downer.

108.1 Private members' resolutions calling for direct expenditure of public funds are out of order.

a) June 26, 1903. Journals, pp.347-8. Charlton.

b) February 4, 1960. Journals, pp.35-6. Murdoch.

108.2 Financial resolution may not, without Lieutenant-Governor's recommendation, be amended in a way which would change the purpose for which money was to be expended.

a) February 28, 1872. Journals, pp.227-8. Currie.

b) March 11, 23, 1874. Journals, pp.137-8, 255-6. Wells.

108.3 Debate on a financial resolution must be adjourned following the moving of the resolution.

a) February 22, 1877. Journals, p.160. Wells.

Note:- This ruling is of dubious relevance to current practice.

108.4 Private members' resolutions calling for the House to express an opinion on proposed public expenditures are in order.

a) November 19, 1981. Debates, pp.3672-3. Cousens (Acting Speaker).

108.5 Lieutenant-Governor's recommendation may be in the form of a private letter to a minister of the Crown.

- a) February 26, 1880. Journals, p.133. Clarke.

RETURNS

- 109.1 Address for return containing information beyond the jurisdiction of the provincial government ruled in order.
 - a) February 4, 1874. Journals, p.31. Wells.
- 109.2 On the procedure for notice of motion for a return.
 - a) March 19, 1970. Journals, p.44. Debates, pp.773-5. Cass.
- 109.3 Tabling of notice of motion for return does not compel tabling of document.
 - a) March 13, 1974. Journals, p.18. Reuter.

ROYAL ASSENT

- 111.1 Royal Assent given when House not meeting.
 - a) October 28, 1985. Debates, p.1129. Edighoffer.
 - b) January 6, 1986. Debates, p.2759. Edighoffer.
- 111.2 Once a bill has been given Third Reading it cannot be withheld from Royal Assent (Third Reading of 5 bills rescinded).
 - a) December 18, 1985. Debates, p.2600. Treleaven (Deputy Speaker).

SIMULTANEOUS INTERPRETATION

- 112.1 Report of the Standing Committee on the Legislative Assembly on Simultaneous Interpretation.
 - a) June 12, 1986.
 - July 10, 1986.
- 112.2 Installation of simultaneous interpretation facility.
 - a) October 14, 1986. Debates, p.2412. Edighoffer.
 - b) October 14, 1986. Debates, p.2415. Edighoffer.

SITTINGS

- 114.1 When Daylight Saving Time is in effect in Toronto, the House meets and adjourns by that time.

- a) May 23, 1922. Journals, pp.293-4. Parliament.
- 114.2 Term "sitting" means two and one half hours; therefore debate, to which "a sitting" has been allocated, may resume after recess or adjournment if some of the two and a half hours remain.
 - a) June 18, 1980. Debates, pp.3035-6. Stokes.
- 114.3 Wednesdays are sessional days even if House does not sit in the Chamber.
 - a) June 3, 1974. Journals, p.87. Debates, pp.2752-3. Reuter.

SPEAKER, General

- Speaker Cass' ruling of March 5, 1969 discusses the duties of Speaker in a general sense, Journals, pp.69-70. Debates, pp.1861-2.
- 116.1 On Deputy Speaker taking part in divisions.
 - a) May 14, 1981. Debates, pp.653, 695. Turner.
- 116.2 Statement by Speaker on allegations of partisanship.
 - a) June 30, 1981. Debates, pp.2274-7. Turner.
 - b) November 3, 5, 1981. Debates, pp.3117-8, 3185. Turner.
 - c) February 17, 1983. Debates, pp.7737-40. Turner.
- 116.3 Duty of Speaker to ensure that business of the House is carried on with dignity and expeditiously.
 - a) November 3, 1981. Debates, p.3187. Turner.
- 116.4 Questions on Speaker's administrative responsibilities should not be raised in the House.
 - a) December 8, 1981. Debates, p.4337. Turner.
 - b) December 14, 1982. Debates, pp.6115-6. Turner.
- 116.5 Instance of Speaker using casting vote.
 - a) April 22, 1904. Journals, pp.297-9. Charlton.
(Casting vote against amendment to a bill on grounds that it would interfere with the bill.)
 - b) January 16, 1986. Debates, p.3158. Edighoffer.
(Cast vote in favour of private member's resolution.)
- 116.6 On Speaker's Procession.
 - a) March 19, 1982. Journals, p.31. Debates, p.289. Turner.

- 116.7 No provision for member to question the Speaker.
 a) February 17, 1983. Debates, pp.7737-40. Turner.
 b) June 2, 1983. Debates, pp.1301-2. Turner.
 c) June 16, 1983. Debates, pp.1724-6. Turner.
- 116.8 On member bringing into debate matter concerning Deputy Speaker and jeopardizing impartiality.
 a) October 31, 1985. Debates, p.1241. Edighoffer.
- 116.9 On Deputy Chairman occupying the Chair when a resolution proposed by the Deputy Chairman is being debated.
 a) November 28, 1985. Debates, p.1896. Morin (Acting Speaker).
- 116.10 On member who is Deputy Speaker asking if quorum is present.
 a) May 22, 1986. Debates, p.809. Edighoffer.
- 116.11 Role of Deputy Speaker.
 a) June 18, 1986. Debates, pp.1529-30. Edighoffer.

SPEAKER, Order and Decorum

- 117.1 On access to Parliament Building.
 a) March 26, 1969. Debates, pp.2716-7. Cass.
 b) June 6, 1975. Debates, pp.2665-7. Rowe.
 c) March 18, April 12, 1976. Debates, pp.585, 1256-7. Rowe.
 d) June 16, 1976. Debates, pp.3399-3400. Rowe.
 e) May 6, 1980. Debates, pp.1499-1500. Stokes.
 f) May 22, 1980. Debates, pp.2106-7. Stokes.
 g) November 3, 1980. Debates, p.3985. Stokes.
 h) November 14, 1980. Debates, pp.4302-3. (See also November 13, 1980. Debates, p.4211). Stokes.
 i) May 25, 1984. Debates, p.1799. Turner.
 j) October 27, 1981. Debates, p.2869. Turner.
 k) November 16, 1982. Debates, pp.5171-2. Turner.
- 117.2 On member photographing House while in session
 a) June 25, 26, 1969. Journals, pp.191-2. Debates, pp.6225-9. Cass.
- 117.3 On member carrying weapon into House.
 a) June 6, 1975. Journals, p.86. Debates, pp.2665-7. Rowe.

117.4 On guests in Speaker's Gallery.

- a) November 28, 1980. (Soviet Visitors). Debates, pp.4731-2, 4747-51. Stokes.

117.5 Speaker has no jurisdiction over disciplinary procedures within Ontario Government Protective Service.

- a) June 11, 12, 19, 24, 26, 1981. Debates, pp.1482-3, 1540-1, 1829, 2017, 2023, 2129-30. Turner.

117.6 Strangers in members' galleries must refrain from speaking to members.

- a) November 5, 1981. Debates, p.3211. Cureatz (Deputy Speaker).

117.7 On members' dress.

July 16, 1968. Debates, pp.5699-5700. Cass.

117.8 On admission to Public Galleries.

- a) September 30, 1982. Debates, p.3852. Turner.
- b) September 30, 1982. Debates, p.3853. Turner.
- c) September 30, 1982. Debates, pp.3861-2. Turner.
- d) September 30, 1982. Debates, pp.3906-7. Cureatz (Deputy Speaker).
- e) October 1, 1982. Journals, p.181. Debates, pp.3929-32. Cousens (Acting Speaker).
- f) October 4, 1982. Journals, pp.182-3. Debates, pp.3951-2. Turner.
- g) February 10, 1983. Debates, p.7503. Robinson (Acting Speaker).
- h) February 11, 1983. Debates, p.7534. Turner.
- i) February 16, 1983. Debates, p.7703. Cureatz (Deputy Speaker).
- j) February 17, 1983. Debates, p.7759. Cousens (Deputy Chairman).
- k) February 17, 1983. Debates, p.7768. Cousens (Deputy Chairman).
- l) November 1, 1983. Debates, p.2642. Turner.
- m) November 14, 1983. Debates, p.3012. Barlow (Acting Chairman).
- n) December 15, 1983. Debates, p.4194. Turner.

117.9 On member criticizing Speaker.

- a) April 1, 1982. Debates, pp.369, 441-2. Turner.
 - b) June 28, 1982. Debates, pp.3244-5. Runciman (Acting Speaker).
 - c) December 9, 1982. Journals, pp.258-9. Debates, pp.5969-70. Turner.
 - d) May 9, 1983. Debates, p.607. Cousens (Acting Speaker).
 - e) May 31, 1983. Debates, p.1285. Cousens (Acting Speaker).
 - f) October 25, 1983. Debates, p.2406. Turner.
 - g) June 25, 1984. Debates, p.2840. Jones (Deputy Speaker).
- 117.10 On member drinking coffee or soft drinks or eating in the Chamber.
- a) November 9, 1982. Debates, p.5076. Cousens (Deputy Chairman).
 - b) January 20, 1983. Debates, p.6657. Cousens (Acting Speaker).
 - c) June 21, 1983. Debates, p.1887. Turner.
 - d) October 20, 1986. Debates, p.2592. Treleaven (Deputy Speaker).
- 117.11 On member displaying sign in Chamber.
- a) January 27, 1983. Debates, pp.6959-60. Mancini (Acting Speaker).
 - b) May 30, 1983. Debates, pp.1188-9. Turner.
- 117.12 Speaker has no jurisdiction over security in building other than Legislative Building.
- a) October 29, 1982. Debates, pp.4706-7. Turner.
- 117.13 On member wearing hat.
- a) November 25, 1983. Debates, p.3371. Turner.
 - b) October 15, 1985. Debates, p.783. Edighoffer.
- 117.14 On member bringing balloon into the Chamber.
- a) May 15, 1986. Debates, p.640. Treleaven (Deputy Speaker).

SPEAKER, Powers

- 118.1 Speaker has no authority to rule on constitutionality of bills or on other actions of House.

Note:- On February 3, 1876, Speaker Wells ruled that a bill "to fix and declare the period for the annual meeting" of the Assembly was out of order as it "interfered with the Prerogative of the Crown". This does not necessarily stand as an exception to the principle that the Speaker does not rule on matters of constitutionality; this case seems more akin to the Speaker's undoubted authority to rule money bills from private members out of order, on what might be termed 'constitutional' grounds.

Two rulings from the 1870's (January 27, 1871; March 16, 1873) indicate that Speakers were prepared to rule on the constitutionality of bills. These rulings have clearly been superceded by subsequent rulings and precedents.

- a) April 4, 1944. Journals, pp.124-5. Stewart.
- b) December 10, 1968. Journals, p.30. Cass.
- c) June 27, 1969. Journals, pp.197-8. Cass.
- d) March 13, 1978. Journals, pp.32-3. Stokes.
- e) October 21, 1980. Debates, pp.3620-3. MacBeth (Deputy Chairman).

Note:- This is an instance of the Chairman of the Committee of the Whole ruling that he had no authority to rule on constitutionality of amendment.

- f) December 2, 1980. Debates, pp.4869-71. Stokes.

Note:- This is an instance of a Speaker's Warrant.

118.2 Speaker has no authority, unless instructed by the House, to withhold any bill which the House has passed.

- a) November 14, 1978. Journals, p.198. Stokes.

118.3 Not Speaker's responsibility to elicit information from minister.

- a) May 3, 1979. Debates, pp.1542-3. Stokes.
- b) October 16, 1980. Debates, pp.3417-8. Stokes.
- c) November 4, 1980. Debates, p.4033. Stokes.
- d) December 1, 1980. Debates, p.4782. Stokes.
- e) January 17, 1983. Debates, p.6505. Turner.
- f) May 9, 1983. Debates, p.571. Turner.

118.4 Power of Speaker to name a member for an unparliamentary remark at an earlier sitting.

- a) June 7, 1979. Debates, p.2648. Stokes.
- 118.5 Speaker has no power to discipline members beyond naming them.
 - a) June 8, 1979. Debates, pp.2713-7. Stokes.
 - b) December 4, 1981. Debates, pp.4216-8. Turner.

Note:— In this instance, the Speaker ruled that a member could resume his seat the day after he was named without withdrawing the unparliamentary remark.
 - c) May 4, 1984. Debates, p.1227. Jones (Deputy Speaker).
 - d) November 5, 1986. Debates, pp.1389-90. Edighoffer.
- 118.6 Speaker has no power to discipline member who has withdrawn unparliamentary remarks.
 - a) November 1, 1979. Debates, pp.4043-6. Stokes.
 - b) June 7, 1982. Debates, pp.2391-2. Turner.
- 118.7 Speaker has no authority with respect to ordering the business of the House.
 - a) May 29, 1979. Debates, pp.2290-3. Stokes.
- 118.8 Speaker has no authority to intervene in committee business.
 - a) July 22, 1971. Debates, pp.4535-6. Cass.
 - b) July 26, 1971. Journals, p.157. Cass.
 - c) June 19, 20, 1975. Journals, pp.97-8. Debates, pp.3188-90, 3207. Rowe.
 - d) June 23, 1975. Journals, p.99. Rowe.
 - e) July 7, 1975. Journals, p.115. Debates, p.3694. Rowe.
 - f) May 17, 1979. Debates, p.2007. Rowe.
 - g) May 29, 1979. Debates, pp.2290-3. Stokes.
 - h) October 25, 1979. Debates, pp.3801-2. Stokes.
 - i) April 3, 1980. Debates, p.477. Stokes.
 - j) December 15, 1981. Debates, p.4669. Turner.
 - k) September 23, 1982. Debates, pp.3635-6. Turner.
 - l) February 1, 1983. Journals, pp.306-7. Debates, pp.7081-2. Turner.
 - m) February 15, 1983. Journals, pp.326-8. Debates, p.7625. Turner.
 - n) May 4, 1984. Journals. pp.75-6. Debates, pp.1228-9. Jones
(Deputy Speaker).

- o) May 31, 1984. Journals, pp.108-9. Debates, p.1974. Turner.
- p) November 22, 1984. Debates, p.4347. Turner.
- q) November 25, 1986. Debates, pp.3603-4. Edighoffer.
- 118.9 Speaker will not reconsider decisions by Deputy Speaker.
 - a) April 15, 1980. Debates, pp.786-7. Stokes.
- 118.10 Speaker has no authority to order tabling of documents, even if minister has undertaken to table them.
 - a) March 30, 1976. Journals, p.29. Rowe.
 - b) May 27, 1980. Debates, pp.2248-9. Edighoffer (Deputy Speaker).
 - c) June 21, 1984. Debates, pp.2700-3. Turner.
 - d) June 22, 1984. Journals, p.141. Debates, p.2767. Turner.
- 118.11 Speaker has authority to refuse to "see" a member.
 - a) June 2, 1980. Debates, p.2395. Stokes.
- 118.12 Speaker has no authority to refer bill back to committee.
 - a) February 19, 1877. Journals, p.149. Wells.
- 118.13 Not responsibility of Speaker to interpret legislation.
 - a) April 21, 1980. Debates, pp.946-7, 963. Stokes.
- 118.14 Not Speaker's responsibility to protect persons whose activities may be called into question in the House. (See also 44.6)
 - a) April 18, 1980. Debates, pp.568-9. Stokes.
- 118.15 Speaker has no jurisdiction over press "lockup".
 - a) April 12, 1976. Debates, p.1257. Rowe.
 Lack of jurisdiction is indicated as Speaker can only report to House not rule on problem presented.
 - b) February 1, 1983. Journals, pp.306-7. Debates, pp.7081-2. Turner.
- 118.16 Speaker may not be appealed to with respect to ruling of committee chairman.
 - a) July 26, 1971. Journals, p.157. Cass.
 - b) June 23, 1975. Journals, p.99. Rowe.
 - c) October 26, 1982. Journals, pp.201-2. Debates, p.4565. Turner.

- d) May 31, 1984. Journals, pp.108-9. Debates, p.1974. Turner.
- 118.17 Speaker has discretion as to issuance of Speaker's Warrants.
a) November 24, 1980. Journals, p.217. Stokes.
- 118.18 Speaker has no authority to call a person to the bar of the House.
a) March 19, 1970. Debates, pp.824-5. Cass.
- 118.19 Speaker has no authority to deal with non-appearance of committee witnesses.
a) May 25, 1981. Journals, pp.65-6. Turner.
- 118.20 Not responsibility of the Chair to rule on a legal opinion quoted in debate.
a) May 14, 1981. Debates, pp.716-7. Cureatz (Chairman).
- 118.21 Speaker has no authority to rule on the legality of Special Warrants.
a) June 26, 1981. Journals, p.115. Debates, p.2130. Turner.
- 118.22 Discretion of the Chair to recognize one member as rising to speak before another member.
a) October 20, 1981. Debates, pp.2699-702. Cureatz (Chairman).
- 118.23 Speaker has no control over civil servants.
a) November 3, 1981. Debates, pp.3134-5. Turner.
- 118.24 Speaker has no authority to rule on acceptability of contents of compendium of information.
a) November 3, 1981. Debates, pp.3131-4. Turner.
- 118.25 Speaker may, without naming a member, request member to leave the Chamber.
a) December 10, 1981. Debates, pp.4519-20, 4531-2. Turner.
- 118.26 Speaker does not direct Chairman of the Committee of the Whole House.
a) May 11, 1973. Debates, pp.1814-6. Reuter.
- 118.27 Decision or ruling of Speaker not debatable.
a) April 1, 1982. Debates, pp.369, 441-2. Turner.

- b) June 25, 1984. Debates, p.2840. Jones (Deputy Speaker).
 - c) May 25, 1987. Debates, p.712. Edighoffer.
- 118.28 Speaker has no authority or obligation to investigate and report back to House on any matter.
 - a) May 27, 1982. Journals, p.98. Turner.
 - b) September 23, 28, 1982. Journals, p.177. Debates, pp.3635, 3785. Turner.
 - c) February 17, 1983. Debates, p.7723. Turner.
- 118.29 Speaker determining if an offence against a Standing Order is a serious offence requiring suspension for more than the balance of one day's sittings.
 - a) June 7, 1982. Debates, p.2391-2. Turner.
- 118.30 Speaker does not instruct committee chairmen.
 - a) October 26, 1982. Journals, pp.201-2. Debates, p.4565. Turner.
- 118.31 Speaker has no authority to direct ministers to make statements or answer questions.
 - a) November 30, 1982.
 - b) June 2, 1983. Debates, pp.1301-2. Turner.
 - c) June 21, 1984. Debates, p.2700-3. Turner.
 - d) June 21, 1984. Debates, p.2704-5. Turner.
 - e) June 22, 1984. Journals, p.141. Debates, p.2767. Turner.
- 118.32 Speaker has no punitive power to force ministers to answer written questions within time limits specified by Standing Orders.
 - a) December 20, 1982. Debates, p.6343. Turner.
 - b) June 21, 1984. Debates, p.2705. Turner.
 - c) June 22, 1984. Journals, p.141. Debates, p.2767. Turner.
- 118.33 Speaker may order member to resume seat for abusing Standing Orders.
 - a) February 18, 1983. Debates, p.7804. Cousens (Deputy Chairman).
- 118.34 Speaker suspends proceedings for grave disorder.
 - a) May 30, 1983. Debates, p.1190. Turner.

- b) May 31, 1983. Debates, p.1286. Cousens (Acting Speaker).
 - c) June 22, 1984. Journals, p.141. Debates, p.2767. Turner.
 - d) November 18, 1985. Debates, p.1562. Edighoffer.
 - e) December 5, 1985. Debates, p.2112. Edighoffer.
 - f) December 10, 1985. Debates, p.2289. Edighoffer.
 - g) February 11, 1986. Debates, p.4011. Edighoffer.
 - h) May 21, 1987. Debates, p.681. Treleaven (Deputy Speaker).
- 118.35 Decision of Speaker to name member not subject to appeal.
- a) June 2, 1983. Debates, pp.1301-2. Turner.
 - b) October 30, 1984. Journals, pp.188-9. Debates, p.3673. Turner.
- 118.36 Speaker naming member on Report from Chairman of Committee of Supply – Procedure.
- a) December 6, 1982. Debates, pp.5848-9. Robinson (Acting Chairman).
- 118.37 Not within jurisdiction of Speaker to investigate release of report required to be laid before the House by Speaker before Speaker tables Report.
- a) December 1, 1983. Debates, pp.3576, 3578. Turner.
- 118.38 Speaker tabling of annual statement of members' expenses.
- a) June 19, 1984. Journals, pp.132-3. Debates, pp.2602-5. Turner.
 - b) June 21, 1984. Debates, pp.2707-8. Turner.
 - c) June 22, 1984. Journals, p.141. Debates, p.2767. Turner.
 - d) July 3, 1986. Debates, pp.2112-3. Edighoffer.
 - e) June 15, 1987. Debates, p.1349. Edighoffer.
- 118.39 Not responsibility of Speaker to ensure attendance of members in House.
- a) October 23, 1984. Debates, p.3515. Turner.
 - b) October 30, 1984. Debates, p.3668-9. Turner.
 - c) October 30, 1984. Debates, p.3675. Turner.
 - d) November 5, 1984. Debates, p.3823. Turner.
 - e) December 11, 1984. Debates, p.4846. Turner.
- 118.40 Speaker has discretion to suspend proceedings or adjourn House for grave disorder.

- a) October 30, 1984. Journals, pp.188-9. Debates, pp.3672-5. Turner.
 - b) July 12, 1985. Journals, p.66. Debates, p.760. Edighoffer.
 - c) January 7, 1986. Debates, p.2797. Edighoffer.
 - d) January 9, 1986. Debates, p.2865. Edighoffer.
- 118.41 Decision of Speaker on voice vote when no members stand to request a recorded vote not subject to appeal.
- a) October 16, 1986. Debates, pp.2521-2. Edighoffer.

SPEAKER, THE – Resignation of

- 119.1 Office of Speaker vacant when resignation received by Clerk; Resolution of House is not necessary.
- a) March 24, 1947. Journals, p.99. A.C. Lewis (Clerk of the House).
- 119.2 Resignation of Deputy Speaker; House proceeds to election of new Deputy Speaker immediately House is advised of vacancy in office (not a ruling).
- a) October 11, 1983. Journals, p.111. Debates, pp.1967-8.

SPEECH FROM THE THRONE

- 120.1 No tradition exists to permit any member who so desires to take part in Throne debate.
- a) March 13, 1972. Journals, p.24. Debates, p.295. Reuter.
- 120.2 Amendments may be proposed to the Address in Reply to the Speech from the Throne, but they must conform to the general requirements for amendments.
- a) February 13, 20, 1923. Journals, pp.73-4, 99. Parliament.
- 120.3 Right of government to introduce one bill on opening day of Session before proceeding with business placed before the House by the Crown.
- a) January 19, 1937. Journals, pp.9-10. Hipel.

STANDING ORDERS

- 121.1 Report of the Standing Committee on Procedural Affairs and Agencies, Boards and Commissions on rule changes.
 - a) November 18, 1985. Debates, pp.1567-8. Edighoffer.
 - b) November 28, 1985. Debates, pp.1917-40. Edighoffer.
- 121.2 Adoption of Provisional Standing Orders.
 - a) April 28, 1986. Debates, pp.97-107. Edighoffer.
- 121.3 Changes to hours of meeting.
 - a) October 23, 1986. Debates, p.2771. Edighoffer.

STATEMENTS – MEMBERS'

- 122.1 Provision for Members' Statements period in Standing Orders – general remarks by Speaker.
 - a) April 29, 1986. Debates, p.138. Edighoffer.
- 122.2 Members' Statements period should not be used to make personal attacks against another member.
 - a) April 30, 1986. Debates, p.184. Edighoffer.
- 122.3 Introductions of strangers (visitors) in Galleries should be done during Members' Statements.
 - a) May 6, 1986. Debates, p.305. Edighoffer.
 - b) May 21, 1987. Debates, p.663. Edighoffer.
 - c) May 25, 1987. Debates, p.713. Edighoffer.
- 122.4 Minister cannot make statement during Members' Statements.
 - a) May 28, 1986. Debates, p.937. Edighoffer.
- 122.5 Parliamentary assistant may make statement during Members' Statements.
 - a) June 17, 1986. Debates, p.1531. Edighoffer.

**STATEMENTS – See also DEBATE –
UNPARLIAMENTARY LANGUAGE and PRIVILEGE**

STATEMENTS – MINISTERIAL

- 123.1 Minister may make any statement he wishes with respect to ministry policy or administration.
 - a) February 15, 1960. Journals, pp.63-4. Murdoch.
 - b) February 22, 1965. Debates, pp.648-9. Morrow.
 - c) March 3, 1965. Debates, pp.934-5. Morrow.
 - d) March 10, 1965. Debates, pp.1156-8. Morrow.
 - e) February 3, 1966. Debates, pp.199-201. Morrow.
 - f) December 4, 1968. Journals, p.25. Debates, p.347. Cass.
 - g) October 23, 1980. Debates, pp.3642-4. Stokes.
- 123.2 Statement must be tied to policy.
 - a) October 23, 1979. Debates, pp.3732-3. Stokes.
- 123.3 Statements are not debatable.
 - a) March 10, 1965. Debates, pp.1156-8. Morrow.
 - b) April 11, 1968. Journals, p.100. Debates, pp.1809-10. Cass.
 - c) April 10, 1984. Journals, p.45. Debates, p.569. Turner.
- 123.4 Speaker's discretion to declare statements to be "policy statements" requiring compendium of background information.
 - a) October 28, 1980. Debates, p.3809. Stokes.
- 123.5 Thirty-minute limit for statements on Thursday excludes time taken on points of privilege and order before statements begin.
 - a) October 29, 1981. Debates, p.2944. Turner.
- 123.6 Statements made outside the House are not matter of privilege. (See 95.7)
- 123.7 Statement by minister should be confined to a statement of facts and should not make allegations concerning another member.

Disagreements between members should not be dealt with by way of a Ministerial Statement.

- a) April 10, 1984. Journals, p.45. Debates, p.569. Turner.
- 123.8 Premier's statement on legislative programme following appointment of new government.
 - a) July 2, 1985. Debates, pp.405-11. Edighoffer.
- 123.9 Time limit on Ministerial Statements and opposition responses – general remarks by Speaker.
 - a) April 29, 1986. Debates, p.140. Edighoffer.
- 123.10 Ministerial Statements period should not be used to make personal attacks against another member.
 - a) April 30, 1986. Debates, p.184. Edighoffer.
- 123.11 Responses to ministerial statements must relate directly to the statements made by ministers.
 - a) December 10, 1986. Debates, p.4089. Edighoffer.
- 123.12 Responses to Ministerial Statements must be made on day Ministerial Statement given.
 - a) May 27, 1986. Debates, p.889. Edighoffer.
 - May 28, 1986. Debates, p.935. Edighoffer.

STATEMENTS – PERSONAL

- 124.1 General nature and examples.
 - a) June 25, 1970. Journals, pp.173-5. Cass.
 - b) November 12, 1973. Journals, pp.169-70. Reuter.
 - c) June 12, 1984. Debates, pp.2434-5. Turner.
 - d) December 7, 1984. Debates, p.4745. Turner.
 - e) January 13, 1986. Debates, p.2982. Edighoffer.
 - f) June 16, 1986. Debates, p.1449. Edighoffer.
- 124.2 Personal statements made with indulgence of House not by right.
 - a) June 25, 1970. Journals, pp.173-5. Cass.
 - b) June 16, 1986. Debates, p.1449. Edighoffer.
- 124.3 Private members may not make policy statements.
 - a) February 15, 1960. Journals, pp.63-4. Murdoch.
 - b) April 10, 1968. Journals, p.100. Debates, pp.1809-10. Cass.

- 124.4 Statements by members on special events may be permitted by House.
 - a) April 11, 1968. Journals, p.100. Debates, pp.1809-10. Cass.
- 124.5 Personal statements must be vetted by Speaker.
 - a) November 12, 1973. Journals, pp.169-70. Reuter.
- 124.6 Statement by member to correct misquotation by other member permissible.
 - a) April 20, 1970. Journals, pp.89-90. Cass.
 - b) December 10, 1985. Debates, p.2287. Edighoffer.
- 124.7 Statement by member to correct another member's alleged misrepresentation of fact not permitted; member must have floor under recognized procedure.
 - a) April 15, 1970. Journals, p.85. Debates, pp.1547-8. Cass.
 - b) April 20, 1970. Journals, pp.89-90. Cass.
 - c) December 8, 1975. Debates, p.1360. Rowe.
 - d) June 4, 1982. Debates, pp.2345-6. Cousens (Acting Speaker).
 - e) June 8, 1982. Debates, pp.2437-8. Cousens (Acting Speaker).
 - f) November 4, 1982. Debates, pp.4867-8. Turner.
 - g) November 9, 1982. Debates, p.5027. Turner.
 - h) February 23, 1983. Debates, p.7937. Turner.
 - i) June 16, 1983. Debates, pp.1724-6. Turner.
 - j) June 20, 1983 (Review of practice by Speaker). Journals, p.100. Debates, p.1815. Turner.
 - k) November 4, 1983. Debates, p.2791. Turner.
 - l) November 22, 1983. Debates, pp.3242-3. Turner.
 - m) May 22, 1984. Debates, p.1667. Turner.
 - n) October 25, 1984. Debates, p.3523. Turner.
 - o) October 26, 1984. Debates, p.3591. Turner.
 - p) October 30, 1984. Debates, p.3667. Turner.
 - q) November 19, 1984. Debates, p.4229. Turner.
 - r) December 7, 1984. Debates, p.4745. Turner.
 - s) October 29, 1985. Debates, p.1213. Morin (Acting Speaker).
 - t) December 20, 1985. Debates, p.2708. Edighoffer.

- u) February 3, 1986. Debates, pp.3723-4. Edighoffer.
 - v) July 9, 1986. Debates, p.2262. Edighoffer.
 - w) November 5, 1986. Debates, p.3119. Edighoffer.
 - x) January 19, 1987. Debates, p.4632. Edighoffer.
 - y) May 28, 1987. Debates, p.861. Treleaven (Deputy Speaker).
 - z) June 16, 1987. Debates, p.1408. Edighoffer.
- 124.8 Member may make personal statement to correct his own record provided notice is given to Speaker.
- a) June 12, 1984. Debates, pp.2434-5. Turner.

STRANGERS (See also Media in the House)

- 125.1 On exclusion of strangers from committee proceedings.
- a) June 14, 1972. Journals, pp.122-3. Debates, p.3572. Reuter.
- 125.2 Strangers in members' galleries must refrain from speaking to members.
- a) November 5, 1981. Debates, p.3211. Cureatz (Deputy Speaker).
- 125.3 Removal of strangers from Chamber.
- a) May 28, 1973. Debates, p.2315. Reuter.
 - b) September 30, 1982. Debates, p.3852. Turner.
 - c) October 1, 1982. Debates, p.3853. Turner.
 - d) October 4, 1982. Debates, pp.3861-2. Turner.
 - e) November 1, 1983. Debates, p.2642. Turner.
 - f) November 1, 1984. Debates, p.3748. Barlow (Acting Speaker).
 - g) November 8, 1984. Journals, p.200. Debates, pp.3926, 3940. Turner.
 - h) November 22, 1984. Debates, p.4375. Robinson (Acting Chairman).
 - i) November 27, 1986. Debates, p.3702. Treleaven (Deputy Speaker).
- 125.4 On introduction of strangers.
- a) April 1, 1982. Debates, pp.445-6. Turner.
 - b) April 5, 1982. Debates, pp.572-4. Turner.

- c) May 6, 1986. Debates, p.305. Edighoffer.
- d) May 21, 1987. Debates, p.663. Edighoffer.
- e) May 25, 1987. Journals, p.73. Debates, p.713. Edighoffer.

125.5 On strangers in Speaker's Gallery.

- a) November 28, 1980. Debates, pp.4731-2, 4747-51. Stokes.

125.6 House adjourned during pleasure to permit address by distinguished visitor.

- a) March 17, 1941. Journals, pp.101-2. (U.S. Senator Claude Pepper).
- b) March 24, 1941. Journals, pp.125-7. (Wendell L. Willkie).
- c) March 27, 1946. Journals, pp.90-1. Debates, pp.1946-7. (James Cardinal McGuigan).
- d) March 11, 1947. Journals, p.21. Debates, pp.55-7. (Barbara Ann Scott).
- e) March 11, 1952. Journals, p.48. Debates, pp.A-1 – A-23, B-1 – B-4. (Michigan Governor G. Mennen Williams).
- f) April 7, 1960. Journals, p.203. Debates, pp.2484-8. (Quebec Premier J. Antonio Barrette).
- g) February 21, 1964. Debates, pp.849-54. (Quebec Premier Jean Lesage).
- h) April 30, 1984. Journals, p.68. Debates, pp.1055-6 (presentation of court sword to Legislative Assembly).
- i) May 30, 1986. Journals, p.80. Debates, pp.1053-6. (Bishop Desmond Tutu).

125.7 Staff assisting minister on floor of House must remain in their seats in front of minister except to enter upon or leave floor.

- a) June 2, 1986. Debates, p.1084. Treleaven (Chairman).

SUB JUDICE

Until 1970, Ontario did not have a *sub judice* rule incorporated into the *Standing Orders*. Accordingly, practices and customs at Ottawa and Westminster, as modified by Ontario usage, served as the basis for the early Speakers rulings. The "Blue Book" of *Precedents* records no *sub judice* rulings prior to 1937, but Lewis'

Parliamentary Procedure in Ontario noted that “matters awaiting judicial decision” are out of order.

Speaker Morrow’s rulings of March 24 and 30, 1966, were of particular importance, for two reasons: first, they set out more precisely than had ever been done in Ontario the interpretation to be given the *sub judice* rule; secondly, they gave some leeway for debate on civil matters not yet set down for trial, and thus loosened the *sub judice* prohibitions on debate which the ruling of January 24, 1964, had defined. This ruling had explicitly proscribed discussion of “any matter pending before the Courts”.

Standing order 16(a) (7), adopted April 22, 1970, provided that a Member would be called to order by the Speaker if he refers to any matter,

(i) that is pending in a court or before a judge for judicial determination, or

(ii) that is before any quasi-judicial, administrative or investigative body constituted by the House or by or under the authority of an Act of the Legislature where any person may be prejudiced in such matter by the reference.

The use of the language employed by Speaker Morrow in 1964, “pending in a court or before a judge for judicial determination” signalled a reversion to the stricter interpretation on the limits of debate.

The ruling by Speaker Rowe on July 8, 1977, approvingly cited several principles enunciated by a committee of the Canadian House of Commons. Endorsment of these principles implied a somewhat less restrictive interpretation of the *sub judice* rule.

On December 14, 1978, a new *sub judice* rule was adopted. Standing Order 19(d) (7) now specifies that a member will be called to order if he refers to any matter that is the subject of a proceeding

(i) that is pending in a court or before a judge for judicial determination, or

(ii) that is before any quasi-judicial body constituted by the House or by or under the authority of an Act of the Legislature,

where it is shown to the satisfaction of the Speaker that further reference would create a real and substantial danger of prejudice to the proceeding.

Aside from the fact that Ottawa and Westminster do not have a *sub judice* provision in their Standing Orders, the most significant difference between practices in Ontario and in those jurisdictions is that in the federal House of Commons, matters before a royal commission are not subject to the *sub judice* convention (Beauchesne, Fifth Edition, p.118).

For recent discussion of *sub judice* in Ontario, see Standing Administration of Justice Committee Hansard, pp.275-80, 307-8, 313-6 (1978). Standing Procedural Affairs Committee Transcript, November 27, 1978. Standing Resources Development Committee Transcript, February 19, 1979.

For a discussion of *sub judice* with respect to Speakers' Warrants, see "Warrants, Speakers' ".

SUB JUDICE

127.1 General Ruling.

- a) January 23, 24, 1964. Journals, pp.29-30. Debates, pp.172-6, 191-2.
Morrow.
- b) June 28, 1968. Journals, p.181. Debates, p.4923. Cass.
- c) June 30, July 5, 8, 1977. Debates, pp.228-9, 344-5, 586-8, 589-90.
Rowe.

127.2 Absolute discretion of Speaker to prevent prejudice during proceedings.

- a) March 30, 1966. Journals, pp.106-7. Debates, pp.2072-3. Morrow.

127.3 Matters referred to Royal Commissions and administrative tribunals are *sub judice*.

- a) December 11, 1961. Debates, p.288. Murdoch.
- b) March 30, 1966. Journals, pp.106-7. Debates, pp.2072-3. Morrow.

127.4 Civil matters not yet set down for trial.

- a) March 24, 1966. Debates, pp.1862-5. Morrow.

b) March 30, 1966. Journals, pp.106-7. Debates, pp.2072-3. Morrow.

127.5 Speech by non-member cannot constitute a breach of the *sub judice* rule.

a) April 7, 11, 1972. Debates, pp.947, 1070. Reuter.

127.6 Questions of *sub judice* are not matters of privilege.

a) November 18, 1982. Debates, pp.5229-31. Turner.

November 19, 1982. Journals, pp.227-8. Debates, p.5277. Turner.

SUB JUDICE – Adjournment

128.1 No adjournment to debate matter of urgent public importance if it is *sub judice*.

a) February 7, 1966. Debates, pp.254-6. Morrow.

SUB JUDICE – Bills

129.1 Bill dealing with matter before the courts ruled in order.

a) January 29, 1937. Journals, pp.21-2. Hipel.

SUB JUDICE – Committees

130.1 Matters referred to standing committees are *sub judice*.

a) March 30, 1972. Debates, pp.730-4. Reuter.

b) April 6, 1972. Debates, pp.865-6. Reuter.

130.2 Matters referred to select committees are *sub judice*.

a) March 30, 1966. Journals, pp.106-7. Debates, pp.2072-3. Morrow.

SUB JUDICE – Question Period

131.1 Question disallowed as contravening *sub judice* rule.

a) November 9, 1982. Debates, pp.5034-6. Turner.

SUPPLY

With the introduction of the 1970 Standing Orders, the procedure for moving that the Speaker leave the Chair so that the

House may resolve itself into Committee of Supply were dispensed with. Accordingly, a number of rulings on this point were rendered obsolete: (March 12, 1874; May 25, 1893; February 16, 1961; February 22, 1966).

It would also seem that the ruling by Speaker Wells on March 7, 1879, in which an amendment to reduce an item of spending was ruled out of order for interfering with an expenditure of public money recommended by the Crown, is obsolete. The basis for the ruling of March 8, 1879 is unstated.

SUPPLY BILL

132.1 Supply Bill is a formality, and by custom is not subject to normal rules concerning bills.

a) December 20, 1973. Journals, pp.233-5. Debates, pp.7698-9. Reuter.

132.2 The Supply Bill may be introduced and passed before budget is approved in general.

a) December 12, 1980. Debates, p.5362. Stokes.

SUPPLY – Re: Motions

133.1 Debate on motion for interim supply may be wide-ranging and not confined to extension of time.

a) October 30, 1979. Debates, pp.3979-80. Stokes.

SUPPLY – Interim

134.1 Examples of amendments to the motion for Interim Supply

a) October 30, 1981. Journals, pp.164-5. Turner.

(See also November 3, 1981, Journals, pp.167-72.)

b) November 2, 1981. Journals, p.166. Turner.

(amendment to an amendment)

(See also November 3, 1981. Journals, pp.167-72).

c) June 15, 17, 1982. Journals, pp.125, 128. Turner.

TELEVISION

135.1 Complaint respecting television coverage should have been raised immediately.

- a) March 5, 1969. Journals, pp.69-70. Debates, pp.1861-2. Cass.

135.2 Television coverage of House.

- a) November 13, 1980. Debates, pp.4280-1. Stokes.
- b) March 11, 1982. Debates, pp.19-20. Turner.
- c) January 24, 1983. Debates, p.6749. Turner.
- d) February 14, 1983. Debates, pp.7555-6. Turner.

135.3 Report of the Standing Committee on Procedural Affairs and Agencies, Boards and Commissions on television coverage of House proceedings.

- a) October 15, 1985. Debates, pp.797-8. Eidgoffer.
- October 17, 1985. Debates, pp.873-92. Edighoffer.

135.4 Trial Period (Statement by Speaker).

- a) November 18, 1985. Debates, pp.1551-2. Edighoffer.

135.5 Installation of permanent television broadcast system.

- a) October 14, 1986. Debates, p.2415. Edighoffer.

TIME ALLOCATION

136.1 Examples of time allocation (guillotine).

- a) December 8, 1982. Hansard, pp.5939-45. Turner.
(Bill 179; after 123 hours)
- b) February 15, 1983. Hansard, pp.7643-53, 65-81, 7699-718. Turner.
(Bill 127; after 96 hours)
- c) June 25, 1984. Hansard, pp.2826-32, 2837-61. Turner.
(Bill 142; after 41 hours).
- d) June 19, 1986. Hansard, pp.1616-27. Edighoffer.
(Bill 94; after 147 hours).

WAIVER OF RULES

137.1 Distinction between waiving and changing rules; motion to alter result of a procedure does not call for a waiver of rules.

- a) October 24, 1978. Journals, pp.165-7. Debates, pp.4100-3. Stokes.

- 137.2 If no objection is taken to procedure which contravenes rules, rules are deemed to be waived.
- a) March 27, 1903. Journals, p.76. Charlton.
 - b) October 24, 1978. Journals, pp.165-7. Debates, pp.4100-3. Stokes.
- 137.3 Motion permitted which combined request for waiver of rules with other matter.
- a) March 17, 1914. Journals, pp.84-7. Hoyle.

WARRANTS, SPEAKERS'

- 138.1 Speaker has discretion as to issuance of Speaker's Warrants.
- a) November 24, 1980. Journals, p.217. Stokes.
- 138.2 Legality of Speakers' Warrants is not a matter for Speaker to decide.
- a) December 2, 1980. Debates, pp.4869-71. Stokes.
- 138.3 Instance of debate as to advisability and legality of proposed use of Speakers' Warrants.
- a) November 20, 1980. Debates, pp.4453-8, 4463-74. Stokes.
- 138.4 Instance of committee report requesting issuance of Speaker's Warrant.
- a) November 20, 1980. Journals, pp.213-4. Stokes.
 - b) June 18, 1987. Debates, pp.1523-4. Edighoffer.

WARRANTS, SPECIAL

- 139.1 Not up to Speaker to rule on legality of Special Warrants.
- a) June 26, 1981. Journals, p.115. Debates, p.2130. Turner.

WRIT FOR AN ELECTION

- 140.1 No notice required of a motion to declare a seat to be vacant and to issue a writ for an election, in unusual circumstances.
- a) February 14, 1884. Journals, p.66. Clarke.

APPENDIX 3

SPEAKERS OF THE LEGISLATIVE ASSEMBLY OF ONTARIO

Hon. John Stevenson

27 December 1867 – 15 February 1871

Hon. Richard William Scott

7 December 1871 – 21 December 1871

Hon. James George Currie

21 December 1871 – 29 March 1873

Hon. Rupert Mearse Wells

7 January 1874 – 11 March 1879

Hon. Charles Clarke

7 January 1880 – 25 March 1886

Hon. Jacob Baxter

10 February 1887 – 7 April 1890

Hon. Thomas Ballantyne

11 February 1891 – 5 May 1894

Hon William Douglas Balfour

21 February 1895 – 14 July 1896

Hon. Francis Eugene Alfred Evanturel

10 February 1897 – 17 March 1902

Hon William Andrew Charlton

10 March 1903 – 26 April 1904

Hon. Joseph Wesley St. John

22 March 1905 – 7 April 1907

Hon. Thomas Crawford

8 April 1907 – 24 March 1911

Hon. William Henry Hoyle
7 February 1912 – 1 May 1914

Hon. David Jamieson
16 Febraury 1915 – 24 April 1919

Hon. Nelson Parliament
9 March 1920 – 8 May 1923

Hon. Joseph Elijah Thompson
6 February 1924 – 8 April 1926

Hon. Williamn David Black
2 February 1927 – 28 March 1929

Hon. Thomas Ashmore Kidd
2 February 1927 – 28 March 1929

Hon. Norman Otto Hipel
20 February 1935 – 2 September 1938

Hon. James Howard Clark
8 March 1939 – 14 April 1943

Hon. William James Stewart
22 February 1944 – 21 March 1947

Hon. James deCongalton Hepburn
24 March 1947 – 16 April 1948

Hon. Myroyn Cooke Davies
10 February 1949 – 31 March 1955

Hon. Alfred Wallace Downer
8 September 1955 – 26 March 1959

Hon. William Murdoch
26 January 1960 – 26 April 1963

Hon. Donald Hugo Morrow

29 October 1963 – 15 June 1967

Hon. Frederick McIntosh Cass

14 February 1968 – 28 July 1971

Hon. Allan Edward Reuter

13 December 1971 – 22 October 1974

Hon. Russell Daniel Rowe

22 October 1974 – 17 October 1977

Hon. John Edward Stokes

17 October 1977 – 21 April 1981

Hon. John Melville Turner

21 April 1981 – 4 June 1985

Hon. Hugh Alden Edighoffer

4 June 1985 –

Note: Section 33 of the *Legislative Assembly Act*, R. S.O. 1980, c. 235, states that “The persons who hold the office of Speaker and Deputy Speaker at the time of any dissolution of the Legislature shall be deemed to be the Speaker and Deputy Speaker, respectively, until a Speaker and Deputy Speaker, respectively, are elected by the Assembly.” (S. O. 1974, c. 116, s. 1)

DEPUTY SPEAKERS OF THE LEGISLATIVE ASSEMBLY OF ONTARIO

William Marshall Chamberlain Hodgeson

14 March 1975 – 28 October 1975

John Edward Stokes

28 October 1975 – 27 June 1977

Hugh Alden Edighoffer

27 June 1977 – 23 April 1981

Sammy Lawrence Cureatz, Q. C.

23 April 1981 – 9 September 1983

Terry David Jones

11 October 1983 – 24 February 1985

Richard Lloyd Treleaven, Q. C.

6 June 1985 – 4 November 1987

Jean Poirier

4 November 1987 –

Note: Section 33 of the *Legislative Assembly Act*, R. S.O. 1980, c. 235, states that "The persons who hold the office of Speaker and Deputy Speaker at the time of any dissolution of the Legislature shall be deemed to be the Speaker and Deputy Speaker, respectively, until a Speaker and Deputy Speaker are elected by the Assembly." (S. O. 1974, c. 116, s. 1)

APPENDIX 4

CLERKS OF THE LEGISLATIVE ASSEMBLY OF ONTARIO

Lt. Col. Charles Todd Gillmor
27 December 1867 — 2 January 1892

Lt. Col. Charles Clarke
2 January 1892 — 4 January 1907

Arthur Henry Sydere
4 January 1907 — 22 February 1926

Charles Frederick Bulmer
(Clerk pro tem. of the Legislative Assembly)
23 February 1926 — 7 December 1926

Major Alexander Cameron Lewis, Q. C.
7 December 1926 — 31 December 1954

Roderick Gilmour Lewis, Q. C.
1 January 1955 — 8 October 1986

Claude Leo DesRosiers
1 October 1986 —

APPENDIX 5

TABLE OF PRECEDENCE FOR ONTARIO (1)

1. The Lieutenant Governor of Ontario or the Administrator.
(2)
2. The Premier of Ontario (3)
3. The Chief Justice of Ontario.
4. The Speaker of the Legislative Assembly of Ontario.
5. The Members of the Executive Council of Ontario, in accordance with the precedence document issued by the Cabinet Office.
6. The Leader of the Opposition.
7. The Chief Justice of the High Court of Ontario.
8. The Associate Chief Justice of Ontario.
9. The Associate Chief Justice of the High Court.
10. Judges of the Supreme Court of Ontario with precedence governed by the date of appointment.
11. Judges of the High Court of Ontario with precedence governed by the date of appointment.
12. The Chief Judge of the County and District Courts of Ontario.
13. Judges of the County and District Courts of Ontario with precedence governed by the date of appointment.
14. Ombudsman for the Province of Ontario.
15. Members of the Legislative Assembly of Ontario with precedence governed by the date of their first election to the Legislature.
16. Heads of Anglican Church, Roman Catholic Church, United Church, Presbyterian Church, Baptist Federation and representatives of the Jewish Faith in Ontario.
17. Heads of Consular Post with jurisdiction in the Province of Ontario.
18. The Chief Judge of the Provincial Courts (Criminal).
19. The Chief Judge of the Provincial Courts (Family).
20. Judges of the Provincial Courts with precedence governed by the date of appointment.
21. Chairmen of Regional Municipalities with relative precedence governed by the date of appointment or election to office.

22. Heads of Ontario Municipalities with precedence governed by the date of their first election to office.
23. (a) Deputy Ministers
(b) Other senior Ontario Public Service officials with the rank and status of deputy minister; with their relative position to be determined according to the respective dates of their first appointment.

NOTES

1. Table of Precedence for Ontario lists categories in their order of precedence as they apply to ceremonies and occasions of a provincial nature. At provincial functions where federal, foreign or diplomatic dignitaries are present, circumstances may dictate that provisions of the Table of Precedence of Canada or international rules of protocol be observed thus giving these dignitaries precedence over certain provincial categories. For general guide see Notes 4, 5 and 6. Similarly, circumstances may also dictate that precedence courtesy be given to host officials of lesser rank over other senior dignitaries present, i.e. municipal functions.

In the cases when the date of appointment or election to office is the same, precedence within each category is determined in the alphabetical order.

2. Precedence to be given immediately after The Chief Justice of Ontario to former Lieutenant-Governors of Ontario with relative precedence among them governed by the date of their leaving office.
3. Precedence to be given immediately after former Lieutenant-Governors of Ontario to former Premiers of Ontario with relative precedence governed by the date of their first assumption of office.
4. Heads of accredited diplomatic missions in Ottawa are given precedence immediately after The Chief Justice of Ontario.
5. Immediately after The Leader of the Opposition precedence is given to Members of the Privy Council for Canada resident in Ontario, with relative precedence among them to, first, Members of the Canadian Cabinet and, second, to those not of the Cabinet. For the former, relative precedence is determined by the date and order of appointment to the

Cabinet; for the latter, by the date and order of their appointment to the Privy Council.

6. Immediately after Members of the Legislative Assembly of Ontario precedence is given to

- (a) Members of the Senate who represent Ontario with relative precedence among them determined by the date of appointment.

- (b) Members of the House of Commons who represent Ontario constituencies with relative precedence among them determined by the date of election, and alphabetically for those elected at the same election.

